



CORE CURRICULUM
FOR THE TRAINING
OF FISHERIES INSPECTORS
AND UNION INSPECTORS

1 Inspection at sea





CORE CURRICULUM
FOR THE TRAINING
OF FISHERIES INSPECTORS
AND UNION INSPECTORS

1 Inspection at sea

Disclaimer

The Core Curriculum for training fisheries inspectors and Union inspectors (manual for the trainer and handbook for the trainee) is a training manuscript. It can be used by Member States authorities and the Commission especially for the training of fisheries inspectors and other fisheries officials.

It is not a legal document and by no means replaces the legislative framework for the application of the common fisheries policy set by the EU or other legal provisions established at EU and at national level.

Carrying out inspections at sea is not without any risk. Although fisheries inspectors should have a thorough training according to safety at sea, this curriculum does not address safety aspects.

***Europe Direct is a service to help you find answers
to your questions about the European Union.***

**Freephone number (*):
00 800 6 7 8 9 10 11**

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

More information on the European Union is available on the Internet (<http://europa.eu>).

Cataloguing data can be found at the end of this publication.

Luxembourg: Publications Office of the European Union, 2016

| | | | |
|-------|------------------------|--------------------|-------------------|
| Print | ISBN 978-92-9209-041-8 | doi:10.2835/157097 | QV-AD-16-002-EN-C |
| PDF | ISBN 978-92-9209-042-5 | doi:10.2835/086497 | QV-AD-16-002-EN-N |

© European Union, 2016

Reproduction is authorised provided the source is acknowledged.

Printed in Luxembourg

PRINTED ON ELEMENTAL CHLORINE-FREE BLEACHED PAPER (ECF)

Foreword

The Core Curriculum project started in 2011 following the adoption of the implementing rules ⁽¹⁾ of the control regulation ⁽²⁾. Its overall objective is to contribute to the establishment of a level playing field across the European Union (EU) by providing a common basis to train the trainers and consequently officials involved in fisheries control operations. It was developed in cooperation with Member States and the European Commission through a specific validation process.

The Core Curriculum for the trainers on fisheries inspection constitutes a common knowledge basis that was obtained after it was discussed, agreed and validated at the EU level. It is composed of a manual for the trainers and a handbook for trainees.

First, the manual for the trainers contains comprehensive training guidelines, course objective, case studies and worksheets. It aims at reducing the preparation work by the trainers and improving the effectiveness of the training by targeting the skills and competencies to be acquired by the trainee. The manual promotes common teaching methods for transmitting best practices, thus making possible the diffusion of a harmonised approach for fisheries control independently from the place where the course takes place or the education background of the trainee.

Secondly, the handbook for the trainees presents core information and essential inspection techniques in support to the training course. It provides key explanations necessary to fulfil inspection tasks and successfully check and verify the application of the rules of the common fisheries policy (CFP) by officials of public administrations involved in fisheries controls.

By coordinating the updating of this common and shared knowledge, EFCA encourages better coordination, closer collaboration and the exchange of best practice that will be applied while coordinating regional joint deployment plans (JDPs). Training is a key aspect in this regard.

EFCA would like to acknowledge the work of external experts, the Member States and the European Commission as members of the EFCA Working group and Steering group on training and exchange of experience (TEE), and the Agency's experts who largely contributed to the success of this publication.

⁽¹⁾ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011.

⁽²⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009.

Acknowledgment

This publication would not have been possible without the guidance and the help of all those who in one way or another contributed and extended their valuable assistance in the preparation and completion of these training materials. EFCA wishes to thank all of them, in particular:

the members of the Working group on training and exchange of experience (WGTEE), and the members of the Steering group on training and exchange of experience (SGTEE) as well as other Member State fisheries administration officials who actively participate in the preparation and verification of the Core Curriculum project, the expert in pedagogy Professor Michel PERCIER, the experts in fisheries, Mr Alastair BEVERIDGE, Dr Hans Otto BOYSEN, Mr Donald Short CLARK, Mr Colin GEORGE, Mr Michael SHEPPARD, Mr Richard THOMASSON and Mr. Michael PARKER, for their core work and valuable contribution to these publications, the members of the EFCA Task Force who revised the quality of the drafts and provided technical expertise and assistance, last but not least the Publications Office and the European Commission for their valuable contribution to this project.

1 Inspection at sea

Module 1 Perform the initial actions to start an inspection 12

Section 1.1 Initial actions on boarding 12

| | |
|--|----|
| Chapter 1.1.1 — Equipment and data required before boarding | 13 |
| Chapter 1.1.2 — Verify the position of the fishing vessel | 17 |
| Chapter 1.1.3 — Verify the boarding ladder | 19 |
| Chapter 1.1.4 — Verify the identity of the fishing vessel | 20 |
| Chapter 1.1.5 — Verify the identity of the master and owner | 22 |
| Chapter 1.1.6 — Verify the cooperation of the master | 24 |
| Chapter 1.1.7 — Verify the fishing activity | 26 |
| APPENDIX 1: Bibliography | 30 |
| APPENDIX 2: Links and references | 30 |
| APPENDIX 3: Legislation | 30 |

Module 2 Inspect conformity of documentation 2

Section 2.1 Check legal documents 2

| | |
|--|----|
| Chapter 2.1.1 — Certificate of registry | 3 |
| Chapter 2.1.2 — Fishing licence | 5 |
| Chapter 2.1.3 — Fishing authorisation | 7 |
| Chapter 2.1.4 — Engine power certificate | 9 |
| Chapter 2.1.5 — Fish room certificate | 11 |
| Chapter 2.1.6 — Ullage tables for refrigerated seawater tanks | 12 |
| APPENDIX 1: Bibliography | 13 |
| APPENDIX 2: Links and references | 13 |
| APPENDIX 3: Legislation | 13 |

| | | |
|--------------------|--|-----------|
| Section 2.2 | Check required declarations by the master | 14 |
| | Chapter 2.2.1 — Existing reporting systems | 15 |
| | Chapter 2.2.2 — The VMS system | 23 |
| | Chapter 2.2.3 — The logbook (paper and ERS) | 31 |
| | Chapter 2.2.4 — Other declarations | 38 |
| | APPENDIX 1: Bibliography | 41 |
| | APPENDIX 2: Links and references | 41 |
| | APPENDIX 3: Legislation | 41 |
| Module 3 | Inspect conformity of catch on board | 2 |
| Section 3.1 | Assess the quantities and species retained on board | 2 |
| | Chapter 3.1.1 — How to identify marine organism presentation | 3 |
| | Chapter 3.1.2 — How to identify the stowage | 5 |
| | Chapter 3.1.3 — Assess the live weight by species | 10 |
| | Chapter 3.1.4 — Check compliance with minimum conservation reference sizes of marine organisms | 19 |
| | ANNEX I: Presentations | 25 |
| | ANNEX II: Example of ullage table (partial) | 26 |
| | APPENDIX 1: Bibliography | 27 |
| | APPENDIX 2: Links and references | 27 |
| | APPENDIX 3: Legislation | 27 |
| Section 3.2 | Check conformity of catch on board | 29 |
| | Chapter 3.2.1 — Compare assessed quantities and species retained on board with the information recorded by the master | 30 |
| | Chapter 3.2.2 — Check stowage requirements | 41 |
| | Chapter 3.2.3 — Check presentation: Labelling | 43 |
| | Chapter 3.2.4 — Check fishing opportunities | 46 |
| | APPENDIX 1: Bibliography | 52 |
| | APPENDIX 2: Links and references | 52 |
| | APPENDIX 3: Legislation | 52 |

Module 4 Conformity of gear 2

Section 4.1 **Identify and examine gear in use and any other on board** 2

| | |
|--|----|
| Chapter 4.1.1 — Identify the type of gear in use and any other on board | 3 |
| Chapter 4.1.2 — Determine the gear measurement | 14 |
| Chapter 4.1.3 — Identify gear geometry | 30 |
| Chapter 4.1.4 — Identify gear attachments | 34 |
| Chapter 4.1.5 — Identify selectivity of fishing gear | 40 |
| Chapter 4.1.6 — Identify gear marking | 44 |
| Chapter 4.1.7 — Prohibited methods of fishing | 48 |
| APPENDIX 1: Bibliography | 54 |
| APPENDIX 2: Links and references | 54 |
| APPENDIX 3: Legislation | 54 |

Section 4.2 **Check conformity of gear** 55

| | |
|--|----|
| Chapter 4.2.1 — Compare gear in use with the information recorded by the master | 56 |
| Chapter 4.2.2 — Check the legality of gear combinations | 58 |
| Chapter 4.2.3 — Check the legality of the gear geometry | 60 |
| Chapter 4.2.4 — Check the legality of the attachments | 65 |
| Chapter 4.2.5 — Check the legality of the selectivity of gear | 75 |
| Chapter 4.2.6 — Check for prohibited gear | 81 |
| APPENDIX 1: Bibliography | 89 |
| APPENDIX 2: Links and references | 89 |
| APPENDIX 3: Legislation | 89 |

| | | |
|--------------------|--|-----------|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation | 2 |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks | 2 |
| | Chapter 5.1.1 — Check required declarations made by the master with regard to conservation measures adopted for specific regions/stocks | 4 |
| | Chapter 5.1.2 — Check conformity of gear with regard to conservation measures adopted for specific regions/stocks | 16 |
| | Appendix 1. Bibliography | 27 |
| | Appendix 2. Links and references | 27 |
| | Appendix 3. Legislation | 27 |
| Section 5.2 | Check conformity with the landing obligation and discard plans | 29 |
| | Chapter 5.2.1 — Verify compliance with the landing obligation | 30 |
| | Chapter 5.2.2 — Verify compliance with discard plans | 37 |
| | Appendix 1. Bibliography | 45 |
| | Appendix 2. Links and references | 45 |
| | Appendix 3. Legislation | 45 |
| Module 6 | Union inspectors, SCIP and JDP requirements | 2 |
| Section 6.1 | Union inspectors | 2 |
| | Chapter 6.1.1 — Competencies and powers of Union inspectors | 3 |
| | Chapter 6.1.2 — Duties of Union inspectors | 6 |
| | Appendix 1. Bibliography | 9 |
| | Appendix 2. Links and references | 9 |
| | Appendix 3. Legislation | 9 |
| Section 6.2 | SCIP and JDP requirements | 10 |
| | Chapter 6.2.1 — SCIP requirements | 11 |
| | Chapter 6.2.2 — JDP requirements | 17 |
| | Appendix 1. Bibliography | 24 |
| | Appendix 2. Links and references | 24 |
| | Appendix 3. Legislation | 24 |

Module 1 Perform the initial actions to start an inspection

| | | |
|--------------------|--|-----------|
| Section 1.1 | Initial actions on boarding | 12 |
| | Chapter 1.1.1 — Equipment and data required before boarding | 13 |
| | Chapter 1.1.2 — Verify the position of the fishing vessel | 17 |
| | Chapter 1.1.3 — Verify the boarding ladder | 19 |
| | Chapter 1.1.4 — Verify the identity of the fishing vessel | 20 |
| | Chapter 1.1.5 — Verify the identity of the master and owner | 22 |
| | Chapter 1.1.6 — Verify the cooperation of the master | 24 |
| | Chapter 1.1.7 — Verify the fishing activity | 26 |
| | APPENDIX 1: Bibliography | 30 |
| | APPENDIX 2: Links and references | 30 |
| | APPENDIX 3: Legislation | 30 |

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

Section 1.1 Initial actions on boarding

Coverage: All EU regions

Objective(s)

This section covers the conduct of an inspection at sea of a fishing vessel operating in EU waters.

The section will guide the trainee to complete points 1-30 of the minimum information required for the completion of inspection reports ⁽¹⁾.

Overview

Member States shall control the activities carried out by any natural or legal person within the scope of the common fisheries policy (CFP) on their territory and within waters under their sovereignty or jurisdiction ⁽²⁾. In order to enforce the application of the CFP it is necessary to carry out inspections of fishing vessels at sea.

To be fully effective an inspection at sea must be carried out professionally from initial preparation to engaging with the master and crew on board the vessel.

Entry requirements

The trainee should have elementary knowledge of navigation in order to be able to assess the position in latitude and longitude and the use of the global positioning system (GPS).

Trainees should also be familiar with the websites of the EU institutions and the secure part of the official websites of the Member State authorities in order to obtain the necessary preliminary information.

⁽¹⁾ Article 115 and points 1-30 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽²⁾ Article 5 of Council Regulation (EC) No 1224/2009.

| | |
|--|--------------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

Chapter 1.1.1 — Equipment and data required before boarding

Part A. Introduction

In order to carry out an efficient and professional inspection of a fishing vessel at sea it is necessary for the inspection team to have available all the physical equipment and data required. This chapter considers what physical equipment and data may be needed during an inspection. The list is not exhaustive and in some circumstances not all of the equipment will be required to inspect a particular vessel. Safety and radio communication equipment are not included as they are a national issue.

Part B. Concepts and definitions

(a) Equipment

- Documents
 - Officials responsible for carrying out fishery inspections should present their inspectors' service card stating their identity and the capacity in which they operate ⁽³⁾. This card should be presented during the inspection at the earliest opportunity.
 - National inspection report form based on the standard EU module ⁽⁴⁾.
 - If appropriate, an inspection report form based on the standard module for use in a fishery managed by a regional fisheries management organisation (RFMO), for example the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Northwest Atlantic Fisheries Organisation (NAFO) or the North East Atlantic Fisheries Commission (NEAFC).
 - Document showing translations of common phrases and information (numbers, species, etc.) to aid communication.
 - Copies of relevant regulations.
- Gear measuring
 - Net measuring gauge in conformity with the relevant EU regulation ⁽⁵⁾ with an additional battery if necessary; the calibration certificate may be taken along.
 - Twine thickness gauge in conformity with the same regulation.
 - Tape measure.
- Hold measuring
 - Tape measure or a laser measuring device and a torch. Ullage measurement tape in the case of chilled or refrigerated seawater (RSW) tanks used in pelagic fisheries.
- Fish measuring and weighing
 - A fish size measuring gauge capable of measuring marine organisms in accordance with the appropriate regional technical conservation regulation (Regions 2 and 3 ⁽⁶⁾, Baltic ⁽⁷⁾ and Mediterranean ⁽⁸⁾).
 - It is advisable to carry a calibrated and certified weighing device.
- Evidence gathering
 - Notebook and pen/pencil (note that pens do not work well in frozen holds)
 - Calculator
 - Camera
 - Torch
 - Sealable evidence bags
 - Seals with unique numbers for use on fishing gear and to prevent access to certain parts of the vessel such as fish rooms. Unbreakable chains with welded links and security marked tape may also be used.

⁽³⁾ Article 74 of Council Regulation (EC) No 1224/2009 and Article 97 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁴⁾ Article 115 of and Module 1 of Annex XXVII of Commission Implementing Regulation (EU) No 404/2011.

⁽⁵⁾ Commission Regulation (EC) No 517/2008.

⁽⁶⁾ Articles 17 and 18 of and Annexes XII and XIII to Council Regulation (EC) No 850/98.

⁽⁷⁾ Article 14 of and Annex IV to Council Regulation (EC) No 2187/2005.

⁽⁸⁾ Article 15 of and Annexes III and IV to Council Regulation (EC) No 1967/2006.

| | |
|--------------------|---|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

(b) Data

The following data are covered in greater depth and detail in the sections of the course on legal documents and required declarations by the master (see Sections 2.1 and 2.2).

• Electronic recording and reporting system

Fishing vessels of 12 m overall length or more are subject to the electronic recording and reporting system (ERS). This system is used by the master to record and declare fishing activity. In an ERS there are three main types of message i.e. a fishing logbook declaration, a sales note declaration and a transport declaration. Within the electronic fishing logbook information, are contained all of the following declarations: departure, fishing activity report, relocation, transshipment, catch on entry, catch on exit, crossing, transzonal, inspection, discard, prior notification, end of fishing, return to port, landing declaration and prior notification of transfer. These data are available to the inspector before an inspection, either directly through the equipment on board the fisheries patrol vessel (FPV) or indirectly from the fisheries monitoring centre (FMC) of the flag Member State.

Masters must transmit the electronic fishing logbook information to the flag Member State at least once a day before midnight, when requested by the flag Member State, as well as immediately after the last fishing operation has been completed. They must also transmit the fishing logbook information before entering port, as well as at the time of any inspection at sea, and at any time defined in European Union legislation or by the flag Member State ⁽⁹⁾. Member States may require vessels of less than 12 m overall length to complete an on-board ERS and in that case the master does not have to complete a paper logbook.

Member States may exempt their fishing vessels of less than 15 m overall length from the requirement to complete an on-board ERS if the vessels operate exclusively within the territorial sea of that Member State or never spend more than 24 hours at sea ⁽¹⁰⁾.

• Vessel monitoring system (VMS)

Masters of fishing vessels of 12 m overall length or more are required to transmit positional data to the flag Member State at least every 2 hours and on request by automatic polling ⁽¹¹⁾. Normally these data are available to the inspector on the FPV in advance of the inspection.

Member States may exempt their fishing vessels of less than 15 m overall length from the requirement to be fitted with a VMS device if the vessels operate exclusively within the territorial sea of that Member State or never spend more than 24 hours at sea ⁽¹²⁾.

• Automatic identification system (AIS)

Fishing vessels over 15 m overall length are required to operate an AIS system which transmits positional, identity and other data almost continuously. Normally these data are available to the inspector on the FPV in advance of the inspection.⁽¹³⁾

• Fishing licence

A fishing licence, issued by the flag Member State, is required for a vessel to be used for commercial fishing operations ⁽¹⁴⁾. Details of fishing licences and their validity may be accessed from the secure part of the official website of the flag Member State ⁽¹⁵⁾.

Note that there is no EU legal requirement to keep the fishing licence on board the fishing vessel.

⁽⁹⁾ Article 15 of Council Regulation (EC) No 1224/2009.

⁽¹⁰⁾ Article 15(4)(b) of Council Regulation (EC) No 1224/2009.

⁽¹¹⁾ Article 9 of Council Regulation (EC) No 1224/2009 and Article 22 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹²⁾ Article 9(5) of Council Regulation (EC) No 1224/2009.

⁽¹³⁾ Article 10 of Council Regulation (EC) No 1224/2009

⁽¹⁴⁾ Article 6 of Council Regulation (EC) No 1224/2009.

⁽¹⁵⁾ Article 116 of Council Regulation (EC) No 1224/2009.

| | |
|--|-------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

• Fishing authorisations

Fishing authorisations are required in fisheries subject to a recovery or management plan ⁽¹⁶⁾. They list the permitted conditions of fishing including the period of validity, authorised species, fishing zones and gear. The authorisations issued may be accessed from the secure part of the official website of the flag Member State, as well as from the websites of regional fisheries management organisations.

• Vessel data

Previous inspection records and sightings (aerial and at sea) and other information are available from the secure part of the official website of the flag Member State.

• Prohibitions

Fisheries may be closed due to quota exhaustion or closed areas, either permanently or on a seasonal basis.

Part C. Data and information sources

- Logbook
- ERS
- Fishing licence
- Fishing authorisations
- Vessel data
- Fishing prohibitions
- RFMO websites

Part D. Methodology

(a) Data and equipment

As appropriate to the vessel to be inspected, the equipment listed in Part B(a) and the data outlined in Part B(b) should be collected and checked and made secure and waterproof for the boarding.

(b) Preparation of ERS material in advance of the boarding

The following processes should be considered when undertaking pre-inspection checks:

- Contact the fishing vessel to be inspected.
- Request the master to update the on-board ERS or the paper logbook.
- Access the national ERS system; select the declarations for the vessel to be inspected, including the most recently updated ERS data. If the FPV does not have ERS equipment or access to the Internet it may be necessary to manually request the information by communication with the FMC of the patrol vessel.
- Check all ERS data including the DEP (departure from port declaration) and any COE/COX (catch on entry/catch on exit declarations) if fishing in an area subject to a fishing effort regime. Also look for corrections to declarations.
- Access the VMS plot for the fishing vessel to be inspected and select a time period equivalent to the voyage dates declared in the ERS.
- Cross-check positional information between the ERS and VMS and check for inconsistencies between dates/times/positions. (Note that some ERS systems also provide a tracking facility using an inbuilt GPS receiver).
- Check all ERS data have been entered correctly ⁽¹⁷⁾. Most ERS systems incorporate some form of basic quality assurance and validation to reduce data entry errors (for example correct date/time groups, gear and species codes) but incorrect data entry, either intentional or in error, cannot be entirely prevented. Take a note of any

⁽¹⁶⁾ Article 7 of Council Regulation (EC) No 1224/2009.

⁽¹⁷⁾ Article 43 of and Annex XII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

data errors or inconsistencies for clarification with the master during the inspection. If the vessel is fishing with gill nets, examine the records for gill nets and ensure that the reporting requirements specific to gill nets are correctly recorded. If appropriate, consider the soak time requirements and check these have been correctly observed. Cross-checking with the VMS can be a useful tool in this respect.

- Examine the recorded catches. Has the master recorded high catches for a particular species in a short period of time in a particular area? Compare with the VMS track. Check against quota entitlement and consider whether the master has attempted to misreport area of capture. Consider whether the master has recorded a high catch rate for a particular species in the time between the previous transmission and the updated ERS, suggesting the possibility of under-recording catches earlier in the voyage. Take note of any inconsistencies in catch data for clarification with the master during the inspection.
- Check declared mesh ranges used during the current voyage. Has more than one mesh range been declared?
- Consider the species declared. Are any subject to a recovery plan and therefore, in the case of demersal species, requiring separate stowage?
- Check ERS records for previous voyages, particularly if attempts to under-record or misreport are suspected (Note that this facility may not be available for non-flag vessels). Check also that any landing declaration from the previous voyage has been submitted within the required timeframe of 24 hours after completion of the landing ⁽¹⁸⁾. Inspectors should remain aware of the other information available on the ERS hub, including sales notes and transport declarations, should this be useful.
- Print out copies of the ERS data for use during the inspection. Masters are required to retain copies of all ERS transmissions on board for the current voyage ⁽¹⁹⁾ but these may not be available to inspectors in a printed format on board the fishing vessel.
- Check the fishing licence and fishing authorisations from the secure part of the official websites of the flag Member State.

⁽¹⁸⁾ Article 24 of Council Regulation (EC) No 1224/2009.

⁽¹⁹⁾ Article 47 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--|--------------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

Chapter 1.1.2 — Verify the position of the fishing vessel

Part A. Introduction

It is essential to accurately record the position of the fishing vessel in order to assess compliance with provisions on access to fisheries. In certain areas such as close to the 12-mile fisheries limit or where fisheries are prohibited, an accurate position is very important. This is also the case in the borders between different quota areas where a vessel may have a quota in one area but none in the next area. Often the areas where fishing is not allowed are where there are vulnerable fish stocks or nursery areas and it is important to prevent access and damage to these stocks by unauthorised fishing activity by accurately noting the position of the vessel.

Part B. Concepts and definitions

Global positioning system (GPS)

The global positioning system (GPS) is a space-based satellite navigation system that provides location and time information in all weathers, anywhere on or near the Earth, where there is an unobstructed line of sight to four or more GPS satellites. It is maintained by the United States government and is freely accessible to anyone with a GPS receiver. A similar European system, called Galileo, is under development and there are equivalent systems operated or under development in China, India and Russia.

In addition to providing location and time information, most GPS devices seen on board fishing vessels are capable of calculating course and time to the positions of waypoints input by the user.

The majority of European fishing vessels use GPS as an aid to navigation and rely on an accuracy that is quoted as normally 7.8 m at a 95 % confidence level ⁽²⁰⁾ but can be greater with specialised equipment.

GPS chart datum

GPS uses a coordinate system to calculate the position from satellite signals based on the world geodetic system standard WGS 84. Many nautical charts, electronic and paper, are also based on the WGS 84 coordinate system, also called the WGS 84 chart datum, so that GPS-derived positions may be accurately plotted directly on the chart. Some charts use a different chart datum and in these cases it is necessary to convert GPS-derived positions according to the different datum on the chart in use.

(Note that the term 'chart datum' is also used to indicate the level of water from which charted depths displayed on a nautical chart are measured.)

Fishing opportunities

Fishing opportunities are the authorised access by the fishing vessel to fishing quotas and fishing effort limit in different geographic areas.

Part C. Data and information sources

- GPS
- Chart coordinate datum
- Automatic identification system (AIS)
- Vessel monitoring system

⁽²⁰⁾ <http://www.gps.gov/systems/gps/performance/accuracy>

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

- Radar
- Navigational charts

Part D. Methodology

(a) Use of fishing vessel equipment

The position of the fishing vessel shall be taken on board the FPV in advance of the inspection, and then confirmed after boarding the fishing vessel at the beginning of the inspection. The time the position was taken should be noted. The position should be taken from the vessel's GPS equipment if it is available as this is the most accurate method of determination of position. If no GPS is available then other equipment such as radar may be used or a visual fix of nearby land features may be taken. Note that there may be more than one GPS or radar set on board.

The method of determining the position and the coordinate datum used on the chart (WGS 84 in most cases) should be noted.

(b) Confirmation from FPV

The FPV should be asked for its determination of the position of the fishing vessel at the same time. The method of determining the position and the coordinate datum used on the chart (WGS 84 in most cases) should be noted. Modern radar devices can show latitude and longitude of a vessel automatically. The position of the FPV and the range and bearing of the fishing vessel at that time should be noted in the inspection report.

Any differences between the positions of the fishing vessel obtained on board the fishing vessel and that obtained on board the FPV should be investigated.

(c) Confirmation of position by the master

The master of the fishing vessel should be asked to confirm the position of the vessel and a note taken of this.

| | |
|--|--------------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

Chapter 1.1.3 — Verify the boarding ladder

Part A. Introduction

This chapter explains the rules for the boarding ladder. It does not cover how to safely board a fishing vessel.

Part B. Concepts and definitions

A boarding ladder should be provided for vessels requiring a climb of 1.5 m or more for safe access. The ladder should be constructed, placed and used in accordance with the implementing rules ⁽²¹⁾. Other types of ladders such as those cut into the hull of the fishing vessel do not comply and may be unsafe to use for boarding at sea.

Part C. Data and information sources



Figure 1 — *Boarding ladder*

Part D. Methodology

In the first instance the inspector may verify the boarding ladder by visual observation. The inspector will not wish to use a boarding ladder that does not appear to be in good condition, safely secured and in the correct position. The boarding ladder should be fitted so that the lower part does not touch the surface of the water.

⁽²¹⁾ Article 114(1)(b) of and Annex XXIX to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

Chapter 1.1.4 — Verify the identity of the fishing vessel

Part A. Introduction

It is necessary to identify the fishing vessel to assess compliance with the authorised fishing activity.

Part B. Concepts and definitions

(a) **Vessel name**

Almost all fishing vessels have a name although there are no related EU rules. Fishing vessel names are not unique and it is not unusual for different vessels to use the same name or names that are very similar.

(b) **Vessel external registration number**

All EU fishing vessels have a registration number that is allocated in a format chosen by the Member State. Normally the number is a combination of a code indicating the port or area of registration and a serial number. There may be other numbers or letters, for example indicating the class of vessel. There are no EU formats for the registration number and it is possible that two vessels from different Member States may use the same number and that the same number is used for another vessel after a vessel has been decommissioned.

There are EU standards for the marking of the registration number ⁽²²⁾. The number should be painted or displayed on both sides of the bow, as high above the water as possible so as to be visible from the sea and the air, in a colour contrasting (black and white) with the background on which they are painted. The letters and numbers should have a height of at least 25 cm and a line thickness of 4 cm for vessels between 10 m and 17 m overall length and a height of 45 cm and 6 cm line thickness for larger vessels.

(c) **Union fleet register number**

Each fishing vessel in the EU should be recorded in the Union fishing fleet register which is available from the European Commission website ⁽²³⁾⁽²⁴⁾. The registration consists of a unique number which never changes, even if the vessel changes nationality. The number is recorded in the fishing licence.

(d) **International radio call sign (IRCS)**

The vessel's international radio call sign (IRCS) is recorded in the ship's papers and sometimes written in a notice in the wheelhouse and painted on the vessel's superstructure and/or on the roof of the wheelhouse. Member States may require the vessel's international radio call sign to be painted on top of the wheelhouse in a contrasting colour (black and white) ⁽²⁵⁾.

(e) **IMO number**

The International Maritime Organisation (IMO) issues a unique identification number to vessels under a scheme administered by IHS Fairplay ⁽²⁶⁾. The number has the format 'IMO' followed by seven digits, for example IMO 1234567. The IMO number provides a unique and checkable identity that does not change through the life of the vessel, even if the name, registration number and nationality change.

(f) **Flag state**

The flag state of a vessel is the country where the vessel is registered. It is not necessarily the same as the nationality of the master, crew or owner.

⁽²²⁾ Article 6 of Commission Implementing Regulation (EU) No 404/2011.

⁽²³⁾ Commission Regulation (EC) No 26/2004.

⁽²⁴⁾ <http://ec.europa.eu/fisheries/fleet/index.cfm>

⁽²⁵⁾ Article 6 of Commission Implementing Regulation (EU) No 404/2011.

⁽²⁶⁾ http://www.ihsfairplay.com/About/IMO_standards/IMO_standards.html

| | |
|--|--------------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

Part C. Data and information sources

- Vessel name
- Vessel external registration number
- Union fleet register number
- Radio call sign
- IMO number
- Flag state
- Fishing licence
- Member State and European Commission websites

Part D. Methodology

(a) **Vessel name**

The vessel's name painted on the vessel should be compared with the vessel name in the ship's papers. Note that, although very rare, some vessels may not have a name.

Take into account the different national methods and scripts for indicating numbers and letters in different Member States.

(b) **Vessel external registration number**

The external registration number painted on the vessel should be compared with the vessel name in the ship's papers and in the Union fleet register. The marking of the registration number should be in accordance with EU rules.

(c) **Union fleet register number**

The data in the Union fleet register should be consistent with the data in the vessel's documentation and the markings on the vessel.

(d) **International radio call sign (IRCS)**

The IRCS should be recorded as it forms a further unique identification. The marking of the IRCS should be in accordance with EU rules.

(e) **IMO number**

The IMO number should be recorded as it forms a further unique identification.

The IMO number applies to: ⁽²⁷⁾

- Union fishing vessels or fishing vessels controlled by Union operators under a chartering arrangement, of 100 tons of Gross Tonnage or 100 tons of Gross Registered Tonnage and above, or 24 metres length overall and above, operating exclusively inside Union waters;
- all Union fishing vessels or fishing vessels controlled by Union operators under a chartering arrangement, of 15 metres length overall and above, operating outside Union waters;
- all third country fishing vessels authorised to carry out fishing activities in Union waters.

(f) **Flag state**

The flag state should be evident from the vessel's papers and should be recorded as it may affect the application of EU legislation.

⁽²⁷⁾ Article 6 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

Chapter 1.1.5 — Verify the identity of the master and owner

Part A. Introduction

It is necessary to be able to identify the master and owner of a fishing vessel to establish who is legally responsible for the activities of the vessel. Normally cooperation with the crew is done through communication with the master and the follow-up to any infringements that are discovered is made through the master and the owner.

Part B. Concepts and definitions

(a) **The master**

The master or captain is the person who is in ultimate command of the vessel. The master is responsible for the safe and efficient operation of the vessel, including fishing operations, navigation, crew management and ensuring that the vessel complies with local and international laws, as well as company and flag state policies. All persons on board, including officers and crew, other shipboard staff members, passengers, guests and pilots, are under the master's authority.

For the majority of fishing vessels the master is required to be properly qualified and licensed and will carry certificates to prove this.

(b) **The fishing captain**

On some vessels there is a fishing captain who is responsible for the fishing operations of the vessel. This person is not the person legally responsible for the activities of the vessel although they may give the appearance of being in command. Sometimes the normal master is not in command and there is a replacement master for all or part of the trip. In this case the legal master is the person who has command at the time of inspection.

(c) **The owner**

The owner is the natural or legal person registered as owning the vessel. This may be different to the beneficial owner, who directs the activities of the vessel.

(d) **The agent**

The agent is the person(s) or company(ies) that provides support to the vessel. The role of the agent is not defined and the services provided will vary with circumstances. The services may include, for example, arranging for the sale of the catch, supplying the vessel with victuals and fuel, vessel maintenance and administrative services such as providing legal documents and insurance. Some vessels may use different agents when they operate away from their home port.

(e) **The charterer**

The charterer is a person(s) or company that has entered into a contract with the owner of a vessel to operate the vessel for their own needs. There are different types of charter contract ranging from, for example, the hiring of a vessel and crew for a specific one-off task, to the complete hiring (bare boat charter) of the vessel where the charterer arranges the complete operation of the vessel, including the crew, and all the administration, acting in all ways as the actual owner. In some Member States the charterer has the same legal responsibility as the owner for complying with fisheries legislation.

| | |
|--|--------------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

Part C. Data and information sources

Identity documents and ships papers showing identity of master and owner.

Part D. Methodology

(a) **Examine personal papers**

Examine personal identification papers such as passport, seaman's book, national identity card and master's certificate. In addition to identifying the master by name, note their nationality, date of birth and address. Some of these documents may be classed as private and beyond the power of an inspector to examine.

(b) **Examine ship's documents**

Ship's documents such as the crew list and official log will identify the master.

Ship's documents such as the licence/registration documents, permits/fishing authorisations and many others will identify the legal owners.

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

Chapter 1.1.6 — Verify the cooperation of the master

Part A. Introduction

An effective inspection requires the cooperation of the master and crew to provide access to the vessel, the catch on board, fishing gear, equipment and documentation.

Part B. Concepts and definitions

(a) **Assistance to inspectors** ⁽²⁸⁾⁽²⁹⁾

The master and crew shall:

- facilitate the safe and effective access to the vessel by the inspectors;
- provide a compliant boarding ladder;
- provide such assistance as is necessary and reasonable;
- permit the inspectors to communicate with the authorities;
- alert the inspectors to any safety hazards;
- provide access to all parts of the vessel, catches, fishing gear and all relevant information and documents, including electronic databases;
- facilitate safe disembarkation on completion of the inspection;
- not obstruct, intimidate or interfere in the performance of the inspectors' duties.

(b) **Powers of inspectors** ⁽³⁰⁾⁽³¹⁾

Inspectors should have sufficient legal powers to examine all relevant areas, decks and rooms. They may also examine catches, processed or not, nets or other gear, equipment, containers and packages containing fish or fisheries products and any relevant documents or electronic transmissions which they deem necessary to verify compliance with the rules of the common fisheries policy. They may require the master to retrieve the fishing gear from the sea. They may also question persons deemed to have information on the matter that is the subject of the inspection.

(c) **Conduct of inspectors**

Inspectors should not require the master of a fishing vessel that is being boarded or disembarked from to stop or manoeuvre during fishing; however they may require the master to delay the shooting or hauling of gear for up to 30 minutes to permit safe boarding ⁽³²⁾. The 30-minute limit does not apply in the case of infringement.

The inspectors should conduct inspections in such a way as to cause the least possible disturbance or inconvenience to the vessel and, as far as possible, prevent any degradation of the catch during the inspection ⁽³³⁾.

Inspectors shall not interfere with the right of any master to communicate with their flag state authorities during inspection operations ⁽³⁴⁾.

Inspectors should normally limit the length of time of an inspection to 4 hours and the number of inspectors deployed to two in inspections where no infringements are discovered ⁽³⁵⁾.

Part C. Data and information sources

Not applicable.

⁽²⁸⁾ Article 75 of Council Regulation (EC) No 1224/2009.

⁽²⁹⁾ Articles 113 and 114 of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁰⁾ Article 74 of Council Regulation (EC) No 1224/2009.

⁽³¹⁾ Articles 97 and 100 of Commission Implementing Regulation (EU) No 404/2011.

⁽³²⁾ Article 103 of Commission Implementing Regulation (EU) No 404/2011.

⁽³³⁾ Article 74(5) of Council Regulation (EC) No 1224/2009.

⁽³⁴⁾ Article 100(2) of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁵⁾ Article 104 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--|-------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

Part D. Methodology

(a) Assistance to inspectors

The inspectors should assess the safe access to the vessel and the general assistance of the master and crew to give full and open access to all documents, catch, gear and hold spaces as follows. Inspectors should satisfy themselves that the master understands what is required of him and they should note any obstruction and interference with the inspection.

(b) Pre-boarding

Contact must be attempted with the fishing vessel using VHF radio ⁽³⁶⁾. The master should be requested not to haul the gear until the inspection team is on board the vessel so that they can observe if the fishermen try to remove any illegal attachments, for example a blinding net on a beam trawl. However, the inspectors should be aware that they may not require the vessel to be manoeuvred or for it to stop hauling or shooting gear. The inspectors may however require the gear to be hauled for inspection. The inspector may request a delay of up to 30 minutes in shooting gear to allow safe boarding or disembarkation.

(c) Boarding and disembarking

The master and the crew of the fishing vessel should cooperate with the boarding team to allow them to get on board the fishing vessel safely. The master should be requested to steer a safe course if required, and if possible according to the fishing operation, to allow a safe boarding. There should be agreement on which side the boarding boat (RIB) goes alongside, preferably the lee side, and the vessel should keep a steady course and speed. The crew must take the headline of the RIB if required and assist the members of the inspection team to get on board if necessary. Once on board the crew should direct the inspectors to the master.

The same considerations apply to disembarking from the fishing vessel.

(d) Inspection of gear

The crew of the vessel must assist the inspectors in manoeuvring the fishing gear on board so the inspectors have access to those parts they wish to measure. Without this assistance, it would be very difficult, for example, to examine a net on a trawl winch or to measure the length of a beam trawl. It is important that the master, or his delegate (whose name should be taken), observes the inspector taking their measurements to avoid any disagreements. It is useful to call the measurements out loud so that they can be heard and for the master to see how they are recorded.

(e) Inspection of catch on deck

On deck the crew should assist the inspectors in their examination of the catch in the last haul and this catch should not be sent down to the fish hold or processing area until the inspectors have examined these areas and indicated that the fish may be moved.

(f) Inspection of fish holds

It is essential for safety purposes that the master or his delegate (often the mate) accompanies the inspectors into the fish holds and processing spaces. The crew should assist the inspectors in the hold by moving boxes or cartons of fish so that they may be examined.

⁽³⁶⁾ Article 114(1)(a) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

Chapter 1.1.7 — Verify the fishing activity

Part A. Introduction

The application of a wide variety of regulations depends on the fishing activity in which the vessel is engaged. It is therefore important to verify if the vessel is actively fishing at the time of inspection and to verify the fishing method.

Part B. Concepts and definitions

(a) Active and passive gear

Fishing gear is commonly classified in two main categories: passive and active. This classification is based on the relative behaviour of the target species and the fishing gear. With passive gears, the capture of fish is generally based on the movement of the target species towards the gear (e.g. traps), while with active gears capture is generally based on an aimed chase of the target species (e.g. trawls, dredges). A parallel on land would be the difference between the trapping of and hunting for animals ⁽³⁷⁾.

(b) Definition of fishing

Fishing activity and fishing operations are defined in the regulations of the CFP ⁽³⁸⁾ and the Control Regulation and its Implementing rules ⁽³⁹⁾. They include all activities connected with searching for fish, the shooting, towing and hauling of active fishing gears, setting, soaking, removing or resetting of passive fishing gears, taking catch on board, removal of catch from the fishing gear and transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fisheries products.

Part C. Data and information sources

Fishing methods: <http://www.fao.org/docrep/005/y3427e/y3427e04.htm>

'Basic fishing methods' SEAFISH UK 2005

Part D. Methodology

(a) How to verify the fishing activity

The following is a list of activities defined as fishing with some indicators of the activity that may be observed.

- **Normal navigation (not engaged in fishing)**

The vessel is navigating in a straight line between port and the fishing grounds or between fishing grounds, steaming at the normal speed of the vessel with no fishing gear in the water. At night only the navigation lights should be shown although in reality some vessels steam with fishing lights switched on. Similarly some vessels steam with a fishing day-marker shown.

- **Searching for fish**

The vessel is on the fishing grounds searching for fish with no fishing gear in the water. Normally seen on fishing vessels fishing for pelagic species, the vessel moves slowly or is stationary whilst it uses its sonar to find fish.

- **Shooting, towing or hauling of active fishing gears**

All types of trawlers and dredgers may be seen shooting or recovering the fishing gear, which will be in the water close to the vessel or being handled on the vessel. On single boat

⁽³⁷⁾ <http://www.fao.org/docrep/005/y3427e/y3427e04.htm>

⁽³⁸⁾ Article 4 (28) of Regulation (EU) No 1380/2013.

⁽³⁹⁾ Article 4.1 of Council Regulation (EC) No 1224/2009 and Article 2 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--|-------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

trawlers the trawl doors may be seen entering or leaving the water. Whilst towing, the warps may be seen leading aft from the stern of the vessel, under tension and at an angle entering the water as the vessel moves forward. Vessels towing troll lines act in a similar manner.

Pelagic trawlers and beam trawlers tend to tow the fishing gear at a higher speed (typically 5 to 8 knots) than demersal trawlers and dredgers (typically 3 to 5 knots). All types of trawlers and dredgers move faster as they shoot the gear and slower (sometimes dead in the water or even moving astern) as they haul the gear.

- **Setting, soaking removing or resetting of passive fishing gears**

Seine net vessels (demersal and pelagic) set the fishing gear in a circle. A demersal seine vessel then hauls the gear moving slowly forward or from a stationary position. A pelagic purse seine vessel recovers the gear from a stationary position, sometimes moving laterally to keep clear of the gear in the water.

Fixed net and longline vessels shoot and haul the gear moving slowly forward. Sometimes the gear is set in a number of parallel rows. Marker buoys will be seen at each end of the gear and at intermediate points between the ends.

- **Taking catch on board, removal of catch from the fishing gear**

The fishing gear will be in the water close to the vessel and the catch removed by a pump or net brail or the gear will be recovered onto the vessel where the catch will be removed. Part of the gear such as a trawl may remain in the water whilst part of the net is taken on board to remove the catch.

- **Transshipping**

The catching vessel will be seen alongside the receiving vessel; both will be stationary in the water and the receiving vessel may be at anchor. The transfer of catch from one vessel to another may be seen. Often there are many seabirds in the vicinity to take fish that have dropped into the sea.

- **Processing on board**

The vessel may process the catch whilst stationary, under way or fishing. It is difficult to determine if the vessel is processing without being on board it. Often there are many seabirds in the vicinity to take fish offal that has been discarded into the sea.

- **Transferring**

Catches of highly migratory fish may be seen being transferred at sea between two vessels with nets (holding nets/cages and or purse seine) in the sea. Both vessels will be stationary and there may be auxiliary vessels present. A vessel towing a transport cage may be seen independently before or after the operation, moving very slowly.

- **Caging**

Catches of highly migratory fish may be seen being transferred from a transport net and a fixed cage. The vessel will be stationary and there may be auxiliary vessels present.

| | |
|--------------------|--|
| Module 1 | Perform the initial actions to start an inspection |
| Section 1.1 | Initial actions on boarding |

(b) **Outline of main fishing activities at sea**

The fishing activity can be verified according to the type of gear in use as outlined in the following list:

- **Fishing with active gear**

- *Seining*

- **Anchor or Danish seining**

An encircling net shot in the open sea using very long ropes to lay out the net and ropes on the seabed prior to hauling from a boat at anchor. Sometimes called Danish seine.

Anchor and Scottish seines are used to catch demersal fish.

- **Scottish seining (fly shooting)**

An encircling net shot in the open sea using very long ropes to lay out the net and ropes on the seabed prior to towing the net closed and hauling from a boat under its own power. Sometimes called fly dragging or fly shooting.

- **Purse seining**

A large net used to surround a shoal of pelagic fish such as herring (*Clupea harengus*), the bottom of which is then drawn together to enclose them.

- *Trawling*

- **Demersal otter trawling (single/multi-rig)**

Trawl towed on the seabed, held open by a pair of otter boards (trawl doors) that are dragged along the seabed.

A multi-rig otter trawl is where two or more trawls are attached together and towed by one vessel at the same time.

Demersal trawls (single and pair) are used to catch bottom-living (demersal) fish such as cod (*Gadus morhua*) and hake (*Merluccius merluccius*).

- **Pair trawling**

Trawl towed between two boats, either on the seabed or in mid water, held open by the distance apart of the two vessels.

- **Beam trawling**

Trawl towed on the seabed in which the net is held open by a wood or steel beam. Normally one vessel tows one or more beam trawls on each side of the vessel. The vessel is often characterised by the large derrick booms used to tow the nets. When fishing the derricks will be parallel to the water surface; when transiting the derricks are normally topped at a 45 degree angle to the water surface for stability and in harbour the derricks are often topped vertically.

Beam trawls may be used to catch demersal flat fish or shrimps, such as sole (*Solea solea*) and brown shrimp (*Crangon crangon*).

- **Mid-water trawling**

Trawl towed between the surface and seabed for pelagic species such as sardine (*Sardina pilchardus*). May be single-boat, pair-trawl and/or multi-rig trawl.

| | |
|--|-------------|
| Perform the initial actions to start an inspection | Module 1 |
| Initial actions on boarding | Section 1.1 |

— Dredging

Rigid structure towed on the seabed usually for molluscan shellfish such as king scallops (*Pecten maximus*).

• Fishing with passive gear

— Fishing with hooks and lines

• Long lining

Extremely long lines that can be anchored or drifting, with numerous baited hooks. Long lines are used for a variety of fisheries, for example demersal species.

• Hand lining

In hand lining the fishing line is vertical and is operated from a drifting or anchored vessel. Hand lining is used for pelagic fish such as mackerel (*Scomber scombrus*) and squids such as European squid (*Loligo vulgaris*).

• Troll lining

Hook and line can also be used in trolling where the fishing line is towed behind the moving vessel.

Trolling is used for pelagic fisheries such as albacore (*Thunnus alalunga*).

— Gill netting and entangling netting

• Fishing with anchored nets/drift nets

Sheets of thin netting anchored in the water to catch fish by enmeshing or entangling them.

Anchored nets are normally used for demersal fish and drift nets for pelagic fish and salmon (*Salmo salar*).

• Fishing with pots and traps

Structures into which fish are guided or enticed through funnels that encourage entry but limit escape, such as pots, creels and fish traps.

Pots are normally used for crustacean shellfish such as brown crab (*Cancer pagurus*) and traps for demersal fish, tuna and salmon.

APPENDIX 1: Bibliography

- Fishing methods: <http://www.fao.org/docrep/005/y3427e/y3427e04.htm>
- 'Basic fishing methods' SEAFISH UK 2005

APPENDIX 2: Links and references

- GPS accuracy: <http://www.gps.gov/systems/gps/performance/accuracy>
- Fleet register: <http://ec.europa.eu/fisheries/fleet/index.cfm>
- IMO number: http://www.ihsfairplay.com/About/IMO_standards/IMO_standards.html

APPENDIX 3: Legislation

- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register.
- Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.
- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94.
- Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets.
- 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.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 693/2004 and Council Decision 2004/585/EC.
- Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) 2187/2005, (EC) No 1967/2006, (EC) 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 as regards the landing obligation and repealing Council Regulation (EC) No 1434/98.

Module 2 Inspect conformity of documentation

| | | |
|--------------------|--|-----------|
| Section 2.1 | Check legal documents | 2 |
| | Chapter 2.1.1 — Certificate of registry | 3 |
| | Chapter 2.1.2 — Fishing licence | 5 |
| | Chapter 2.1.3 — Fishing authorisation | 7 |
| | Chapter 2.1.4 — Engine power certificate | 9 |
| | Chapter 2.1.5 — Fish room certificate | 11 |
| | Chapter 2.1.6 — Ullage tables for refrigerated seawater tanks | 12 |
| | APPENDIX 1: Bibliography | 13 |
| | APPENDIX 2: Links and references | 13 |
| | APPENDIX 3: Legislation | 13 |
| Section 2.2 | Check required declarations by the master | 14 |
| | Chapter 2.2.1 — Existing reporting systems | 15 |
| | Chapter 2.2.2 — The VMS system | 23 |
| | Chapter 2.2.3 — The logbook (paper and ERS) | 31 |
| | Chapter 2.2.4 — Other declarations | 38 |
| | APPENDIX 1: Bibliography | 41 |
| | APPENDIX 2: Links and references | 41 |
| | APPENDIX 3: Legislation | 41 |

| | |
|--------------------|-------------------------------------|
| Module 2 | Inspect conformity of documentation |
| Section 2.1 | Check legal documents |

Section 2.1 Check legal documents

Coverage: All EU regions

Objective(s)

This section covers the legally required documentation on board a fishing vessel. The section will guide the trainee to complete points 18, 19, 32 to 35, 42 and 44 of the minimum information required for the completion of inspection reports ⁽⁴⁰⁾.

Overview

Fishing activity is highly regulated under the common fisheries policy (CFP) and accordingly it is necessary for certain information to be available during an inspection in order to assess compliance with the rules in force. For example if there is a maximum engine power permitted in certain areas it is necessary for the inspector to have access to information on the engine power of the vessel being inspected to assess compliance.

Under EU rules, not all the information is required to be kept on board the fishing vessel, although this may be required under national rules. The information may be in paper or electronic form on board the vessel or it may be available from the Internet, for example on the secure parts of Member State websites.

There are a number of documents that are required, by law, to be available to a fisheries inspector when on board a vessel. There are others that, although they are not required, may be available when an inspection is carried out and can be used to improve the quality of the inspection.

Entry requirements

This section on documentation is intended for all trainees, including those with a basic knowledge of fisheries control. It would be an advantage, but not essential, to have knowledge of the principles of the CFP and the general concepts of fisheries control.

⁽⁴⁰⁾ Article 115 and points 18, 19, 32 to 35, 42 and 44 of, Module 1 of Annex XXVII to Commission Implementing Regulation (EC) No 404/2011.

| | |
|-------------------------------------|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check legal documents | Section 2.1 |

Chapter 2.1.1 — Certificate of registry

Part A. Introduction

This chapter covers the certificate of registry or national registration documentation. It is necessary for the inspector to use this document to identify the vessel to assess compliance with the authorised fishing activity.

Part B. Concepts and definitions

There are no common EU standards for national registration documentation or certificates of registry although vessels of 10 m overall length or more are required to carry documents issued by the competent authorities of the flag Member State in which the vessel is registered showing certain minimum information concerning the identity of the vessel, the owners and the principal dimensions and engine power of the vessel ⁽⁴¹⁾.

Part C. Data and information sources

Union fleet register ⁽⁴²⁾ on the Internet ⁽⁴³⁾ for registration data.

Part D. Methodology

The master should be asked to produce the certificate of registry (or similar national document(s) showing the identity of the vessel). The inspector should check the existence of the following data and cross-check with other sources of data and observations, such as the name and number of the vessel painted on the side of the hull.

(The words 'certificate of registry' are not mentioned in the legal text ⁽⁴⁴⁾ but are cited as one of the elements of minimum information required for the completion of inspection reports ⁽⁴⁵⁾. The compulsory information required in the legal text ⁽⁴⁶⁾ should be documented according to national rules and shall be presented for the purpose of control and inspection at the request of officials, but it might be found in documents on board other than the 'certificate of registry'.)

Mandatory:

- name of fishing vessel (if any);
- external identification, that is the port or district letters and number (PLN);
- international radio call sign (IRCS);
- name and address of the owner and, if applicable, the charterer;
- length overall;
- propulsion engine power;
- gross tonnage;
- date of entry into service (for EU vessels entered into service after 1 January 1987).

Optional:

- serial number (if any) and period of validity of the national registration documentation;
- issuing authority.

The inspector should investigate any discrepancies such as the document being out of date, or missing data such as the lack of an entry for gross tonnage or any modifications of characteristics. The inspector may ask the fishery patrol vessel (FPV) to check the existence of the registry or the data on the certificate with the Union fleet register either on the Internet or via the fisheries monitoring centre (FMC).

⁽⁴¹⁾ Article 7(1) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁴²⁾ Commission Regulation (EC) No 26/2004.

⁽⁴³⁾ <http://ec.europa.eu/fisheries/fleet/index.cfm>

⁽⁴⁴⁾ Article 7(1) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁴⁵⁾ Article 115 and points 18 and 32 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽⁴⁶⁾ Article 7(1) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|-------------------------------------|
| Module 2 | Inspect conformity of documentation |
| Section 2.1 | Check legal documents |

Failure to carry on board official vessel identity documents showing the above mandatory information is an infringement and the inspector should consider enforcement procedures.

The data on the certificate of registry (or vessel identity documents) should be noted and entered into the inspection report.

A check of the certificate of registry (or vessel identity documents) completes points 15, 18, 19, 22, 23 and 32 of the minimum information required for the completion of inspection reports⁽⁴⁷⁾.

⁽⁴⁷⁾ Article 115 of and points 15, 18, 19, 22, 23 and 32 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|-------------------------------------|-------------|
| Inspect conformity of documentation | Module 2 |
| Check legal documents | Section 2.1 |

Chapter 2.1.2 — Fishing licence

Part A. Introduction

This chapter explains how a vessel is licensed to operate commercially. It is necessary for the inspector to check this document in order to know if the vessel may be used for commercial fishing activity.

Part B. Concepts and definitions

A fishing licence is an official document, issued by the national authorities, giving the holder of the licence the right to use the fishing capacity of a fishing vessel for the commercial exploitation of fisheries.

The fishing licence contains, as a minimum, information concerning the identity of the vessel, the owners, the principle dimensions and the fishing gear of the vessel. A fishing licence may be combined with the certificate of registry to form one document.

EU legislation ⁽⁴⁸⁾ lays down how licences may be issued, managed and withdrawn by the flag Member States and the minimum information that must be contained in the licence. This information must be consistent with the information recorded in the Union fleet register ⁽⁴⁹⁾ and recorded on the European Commission website ⁽⁵⁰⁾. A fishing licence is valid for one EU fishing vessel only.

The fishing licence may be suspended temporarily or permanently withdrawn by the flag Member State if the vessel is subject to enforcement action following a serious infringement ⁽⁵¹⁾. The licence may also be suspended or withdrawn under Union schemes, implemented by the Member States, for the adjustment of fishing effort or capacity.

Part C. Data and information sources

- Union fleet register on the Internet for licence data.
- Secure part of Member State websites for licence data and licence suspensions ⁽⁵²⁾.

Part D. Methodology

The master should be asked to produce the fishing licence. The inspector should check the existence of the following data and cross-check with other sources of data and observations, such as the certificate of registry and an observation of the method of fishing in use:

(Note that there is no EU requirement to keep paper licences on board the fishing vessel although it is normally a requirement under national rules. If a valid licence is not available on board the inspector should ask the FPV to contact the Member State directly or via the FMC for the data.)

- Union fleet register number;
- name of fishing vessel (if any);
- flag state/country of registration;
- port or district of registration (name and national code);
- external marking;
- international radio call sign (IRCS) (if required under national rules);
- name and address of licence holder, fishing vessel owner and fishing vessel agent;
- engine power (kW);
- tonnage (GT);
- length overall;

⁽⁴⁸⁾ Article 6 of Council Regulation (EC) No 1224/2009 and Article 3 of and Annex II to Commission Implementing Regulation (EU) No 404/2011.

⁽⁴⁹⁾ Commission Regulation (EC) No 26/2004.

⁽⁵⁰⁾ <http://ec.europa.eu/fisheries/fleet/index.cfm>

⁽⁵¹⁾ Article 43 of Council Regulation (EC) No 1005/2008, Articles 90 and 92 of Council Regulation (EC) No 1224/2009 and Article 129 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁵²⁾ Article 116(1)(d) of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|-------------------------------------|
| Module 2 | Inspect conformity of documentation |
| Section 2.1 | Check legal documents |

- main fishing gear;
- subsidiary fishing gears.

It is not permitted to use a vessel without a valid fishing licence for the commercial exploitation of living aquatic resources and an inspector encountering such a vessel should consider enforcement procedures.

The inspector should investigate any discrepancies such as the document being out of date or missing data such as the lack of an entry for fishing gear. If the data in the licence are incorrect without a satisfactory explanation, the inspector should consider infringement procedures.

The data on the licence should be noted and entered into the inspection report.

A check of the fishing licence completes points 15, 17, 19, 22, 23, 24 and 34 of the minimum information required for the completion of inspection reports ⁽⁵³⁾.

⁽⁵³⁾ Article 115 of and points 15, 17, 19, 22, 23, 24 and 34 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|-------------------------------------|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check legal documents | Section 2.1 |

Chapter 2.1.3 — Fishing authorisation

Part A. Introduction

This chapter explains how a vessel is authorised to carry out fishing activity. It is necessary for the inspector to check the fishing authorisation to know what fishing activity the vessel is authorised to carry out and where it may take place.

Part B. Concepts and definitions

A fishing authorisation is an authorisation issued to an EU fishing vessel operating in EU waters in addition to its fishing licence, entitling it to carry out specific fishing activities. The fisheries or fishing zones where specific fishing activities are authorised are those subject to ⁽⁵⁴⁾:

- a fishing effort regime;
- a multiannual plan;
- a fishing restricted area;
- fishing for scientific purposes;
- other cases laid down by EU legislation.

In these fisheries and zones, fishing activity may only be carried out in accordance with a valid fishing authorisation issued to the vessel.

EU legislation ⁽⁵⁵⁾ lays down how fishing authorisations may be issued and withdrawn by the Member States and the minimum information that must be contained in the authorisation. It is a basic requirement that a fishing authorisation may only be issued to a vessel with a valid fishing licence. A fishing authorisation is valid for one EU vessel only. Member States must make available lists of vessels that have fishing authorisations on the secure part of their official websites ⁽⁵⁶⁾.

The document may be combined with the licence to form one single document. The fishing authorisation must contain, at the least, information concerning the identity of the vessel and the permitted conditions of fishing including the date of issue, period of validity and the authorised species, fishing zones and gear.

Note that a fishing authorisation may be called a special fishing permit. These permits were issued under some of the multiannual recovery plans and they should be considered as a fishing authorisation if they contain the minimum information required in a fishing authorisation ⁽⁵⁷⁾.

Unless otherwise specified fishing vessels of less than 10 m overall length which fish exclusively in the territorial waters of their flag Member State do not need to have a fishing authorisation.

Part C. Data and information sources

Secure part of the websites of Member States for fishing authorisation data.

Part D. Methodology

The inspector should assess whether a fishing authorisation is required for the activity in which the vessel is engaged.

The master should be asked to produce the fishing authorisation. The inspector should check the existence of the following data ⁽⁵⁸⁾ and cross-check with other sources of data and observations, such as the certificate of registry, the fishing licence (which may form part of the

⁽⁵⁴⁾ Article 7 of Council Regulation (EC) No 1224/2009.

⁽⁵⁵⁾ Article 7 of Council Regulation (EC) No 1224/2009 and Article 4 of and Annex III to Commission Implementing Regulation (EU) No 404/2011.

⁽⁵⁶⁾ Article 5 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁵⁷⁾ Article 4(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁵⁸⁾ Article 4 of and Annex III to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--|
| Module 2 | Inspect conformity of documentation |
| Section 2.1 | Check legal documents |

same document as the authorisation) and an observation of the species caught, the fishing zone and the method of fishing in use, all of which may be conditions of the authorisation:

- Union fleet register number;
- name of fishing vessel name (if any);
- external registration letters and number;
- date of issue;
- period of validity;
- conditions of authorisation including, where appropriate, species, zone and fishing gear.

Note that there is no EU requirement to keep paper authorisations on board the fishing vessel although it is normally a requirement under national rules. If a valid authorisation is not available on board the inspector should ask the fishery patrol vehicle (FPV) to check the secure part of the official websites of Member States or to contact the Member State directly or via the fisheries monitoring centre (FMC) for the data. This check may be made in advance of the inspection.

Carrying out fishing activity without an authorisation, when an authorisation is needed, is not permitted. An inspector encountering such activity should consider enforcement procedures.

The inspector should investigate any discrepancies such as fishing activity (species, zone and gear) contrary to the conditions of the authorisation or the document being out of date. If these are apparent, the inspector should consider infringement procedures.

The data on the authorisation should be noted and entered into the inspection report.

A check of the fishing authorisation completes points 15, 17 and 35 of the minimum information required for the completion of inspection reports ⁽⁵⁹⁾.

⁽⁵⁹⁾ Article 115 of and points 15, 17 and 35 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|-------------------------------------|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check legal documents | Section 2.1 |

Chapter 2.1.4 — Engine power certificate

Part A. Introduction

This chapter covers the certificate stating the power of the engine. Access to some fisheries is regulated by engine power. When it is necessary the inspector has access to information concerning the engine power stated on the certificate, as it is relevant to compliance by the vessel.

Part B. Concepts and definitions

Engine power certificates are required for all EU fishing vessels whose propulsion engine power exceeds 120 kilowatts (kW) ⁽⁶⁰⁾. Vessels that use exclusively static gear or dredge gear or are auxiliary vessels or are used exclusively in aquaculture do not need an engine power certificate.

An engine power certificate is issued by the authorities of the Member State to certify the maximum continuous output of the propulsion engine(s) of a fishing vessel ⁽⁶¹⁾ after taking into account any technical modifications ⁽⁶²⁾. In addition, engine power must be verified by Member States following a sampling plan based on a risk analysis. It is prohibited to fish with a vessel that is equipped with an engine with a greater power than the power entered in the fishing licence.

There are no EU rules on the format of the engine power certificate. However, engine power is one of the elements that must be shown on the documents issued by the competent authorities of the flag Member State ⁽⁶³⁾ to be carried on board. For practical purposes, such a document showing engine power may be considered as the engine power certificate. In some Member States, engine power may be indicated as one of the items on the certificate of registry and/or the fishing licence.

The flag Member State may delegate the certification of engine power to a classification society or similar organisation.

Part C. Data and information sources

The Union fishing fleet register on the Internet ⁽⁶⁴⁾.

Part D. Methodology

The inspector should ask the master for the engine power certificate. There may not be a single stand-alone certificate showing engine power but the information should be indicated on one of the documents issued by the competent authorities of the flag Member State and required to be carried on board ⁽⁶⁵⁾. In many Member States the certified engine power is recorded on the certificate of registration and/or the fishing licence.

Failure to carry on board an official document showing the certified engine power is an infringement and the inspector should consider enforcement procedures.

If the inspector is not satisfied with the documented information about engine power he may then examine the main propulsion engine(s) to ascertain if there is a plate showing the make and model of the engine and its power to check if it corresponds with the engine power recorded on the engine power certificate, registry or licence.

If discrepancies remain, the inspector should ask the FPV to check the data with the FMC of the flag Member State and take enforcement action if necessary.

⁽⁶⁰⁾ Article 40(1) of Council Regulation (EC) No 1224/2009.

⁽⁶¹⁾ Article 61 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶²⁾ Articles 39 to 41 of Council Regulation (EC) No 1224/2009.

⁽⁶³⁾ Article 7(1)(e) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁴⁾ <http://ec.europa.eu/fisheries/fleet/index.cfm>

⁽⁶⁵⁾ Article 7(1)(e) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|-------------------------------------|
| Module 2 | Inspect conformity of documentation |
| Section 2.1 | Check legal documents |

The data on the engine power certificate (or the document showing this information) should be noted and entered into the inspection report.

A check of the engine power certificate completes point 33 of the minimum information required for the completion of inspection reports ⁽⁶⁶⁾.

⁽⁶⁶⁾ Article 115 of and point 33 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|-------------------------------------|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check legal documents | Section 2.1 |

Chapter 2.1.5 — Fish room certificate

Part A. Introduction

This chapter covers the fish room certificate. The inspector uses the fish room certificate as one of the tools to assess the quantity of fish on board.

Part B. Concepts and definitions

A fish room certificate is a document with accurate drawings and descriptions of the fish rooms (storage spaces) and the access points to these spaces. It includes the storage capacity of the fish rooms in cubic metres. The fish room certificate is required for EU vessels of 17 m length overall and above and it must be certified by the competent authority of the flag Member State and be kept on board the fishing vessel ⁽⁶⁷⁾. Any modification of the characteristics contained in the fish room certificate should also be certified by a competent authority of the flag Member State ⁽⁶⁸⁾.

(Note that the words ‘fish room certificate’ are not mentioned in the legal text ⁽⁶⁹⁾, but are referred to as a document showing ‘accurate drawings with description of its [the vessel’s] fish rooms...’. However the words ‘fish room certificate’ as such are mentioned in the model inspection report ⁽⁷⁰⁾).

Part C. Data and information sources

None.

Part D. Methodology

The inspector should ask the master for the fish room certificate and check that it contains drawings and a description of the fish rooms, the access points and the cubic capacity in cubic metres. The inspector should also check that it has been certified by a competent authority of the flag Member State and is up to date. The inspector should be satisfied that all the fish storage spaces are recorded on the certificate and that there are no hidden unrecorded spaces.

Failure to carry a fish room certificate, or the carriage of a fish room certificate that does not show all the fish storage spaces, is an infringement and the inspector should consider enforcement procedures.

The existence and validity of the fish room certificate should be noted and entered into the inspection report. The fish room certificate will be used in the procedure to assess the quantity of fish on board. A check of the fish room certificate completes point 42 of the minimum information required for the completion of inspection reports ⁽⁷¹⁾.

⁽⁶⁷⁾ Article 7(2) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁸⁾ Article 7(4) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁹⁾ Article 7 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁷⁰⁾ Article 115 and point 42 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽⁷¹⁾ Article 115 of and point 42 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|-------------------------------------|
| Module 2 | Inspect conformity of documentation |
| Section 2.1 | Check legal documents |

Chapter 2.1.6 — Ullage tables for refrigerated seawater tanks

Part A. Introduction

This chapter covers the document that indicates the calibration of the chilled or refrigerated seawater (RSW) tanks, typically seen on larger pelagic fishing vessels. The inspector uses the calibration tables as one of the tools to assess the quantity of fish on board.

Part B. Concepts and definitions

An ullage table for a chilled or refrigerated seawater tank is a document showing the volume in a tank in cubic metres at 10 cm intervals ⁽⁷²⁾. It is normally expressed as the ullage or space remaining above any fish in the tank so that, for example, a tank full of fish would have an ullage value of zero.

Chilled or refrigerated seawater tanks are normally used for the storage of large quantities of fresh pelagic fish, for example herring or mackerel, and typically, a vessel would have six or more such tanks, each with a different volume and each requiring a separate ullage table. The ullage tables are required to be certified by the competent authorities of the flag Member State and to be kept on board the fishing vessel. Any modification of the characteristics contained in the ullage tables should be certified by a competent authority of the flag Member State ⁽⁷³⁾.

Part C. Data and information sources

None.

Part D. Methodology

On vessels with chilled or refrigerated seawater tanks, the inspector should ask the master for the document indicating the calibration of the tanks. This document should show the volume of the tanks at 10 cm intervals and should indicate to which tank it refers, for example 'starboard forward'. The inspector should be satisfied that the document is valid, for example that it matches the configuration of the tanks on board, that the correct particulars of the vessel are indicated and that it is properly certified by the competent authority of the flag Member State.

Failure to carry ullage tables, or carrying incorrect tables, is an infringement and the inspector should consider enforcement procedures.

The existence and validity of the ullage tables should be noted and entered into the inspection report.

The ullage tables will be used in the procedure to assess the quantity of fish on board.

A check of the ullage tables completes point 44 of the minimum information required for the completion of inspection reports ⁽⁷⁴⁾.

⁽⁷²⁾ Article 7(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁷³⁾ Article 7(4) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁷⁴⁾ Article 115 of and point 44 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

APPENDIX 1: Bibliography

None.

APPENDIX 2: Links and references

- Fleet register: <http://ec.europa.eu/fisheries/fleet/index.cfm>
- Fishing authorisations: secure part of Member State websites.
- Fishing gear: International Standard Statistical Classification of Fishing Gear (ISSCFGC).

APPENDIX 3: Legislation

- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register.
- Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.
- Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004.
- 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.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 693/2004 and Council Decision 2004/585/EC.
- Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) 2187/2005, (EC) No 1967/2006, (EC) 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 as regards the landing obligation and repealing Council Regulation (EC) No 1434/98.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

Section 2.2 Check required declarations by the master

Coverage: All EU regions

Objective(s)

This section covers the declarations and notifications required for catch and effort registration. The section will guide the trainee to complete points 15 to 25, 27, 31 to 47 of the minimum information required for the completion of inspection reports ⁽⁷⁵⁾.

Overview

Under the common fisheries policy (CFP) many fish stocks are managed by a quota on the quantities taken or by the amount of fishing time (effort). The master must make certain declarations of fishing activity so that quotas and effort can be managed and inspectors can target their activity and assess compliance with the CFP. This section provides guidance to the inspector on how to check these notifications such as those in a fishing log and position data sent by satellite using the vessel monitoring system (VMS).

Entry requirements

This section on documentation is intended for all trainees, including those with a basic knowledge of fisheries control. It would however be an advantage, but not essential, to have knowledge of the principles of the CFP and general concepts of fisheries control.

⁽⁷⁵⁾ Article 115 and points 15 to 25, 27, 31 to 47 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

Chapter 2.2.1 — Existing reporting systems

Part A. Introduction

This chapter covers the records of notifications and messages necessary under a fishing effort regime. These are one of the tools required to control the presence of a fishing vessel in a geographical area in order that the effort in terms of days at sea can be managed.

It is necessary to notify the fishing gear to be used in a fishing effort regime, as normally the allocation of effort or days allowed at sea varies with the type of gear to be used.

The chapter will guide the trainee to complete points 40 and 41 of the minimum information required for the completion of inspection reports ⁽⁷⁶⁾.

Part B. Concepts and definitions

(a) Catch and activity reports

• Effort messages

Effort messages are reports of entry and exit into geographical fishing zones covered by a fishing effort regime and details of the catch on board. The messages shall be sent in manual form (see point (c)) from vessels not required to submit electronic logbooks ⁽⁷⁷⁾ or in electronic form by vessels required to submit electronic logbooks (see point (d)).

(b) Notifications

• return to port ⁽⁷⁸⁾

Prior notifications of the estimated time of arrival at port as follows:

- Masters of vessels of 12 metres overall length or more, under the obligation to record logbook data electronically, fishing stocks subject to a multiannual plan, are required to give a notification to the competent authorities of the flag Member State of at least four hours in advance of arrival of i) vessel identity, ii) intended port and purpose, iii) dates and fishing zones of trip, iv) date and time of arrival, v) quantities of each species recorded in the logbook, including those below the applicable minimum conservation reference ⁽⁷⁹⁾ size and vi) quantities of each species to be landed or transhipped ⁽⁸⁰⁾.
- For all vessels not under the obligation to record logbook data electronically and landing in another Member State, a prior notice of landing is required 4 hours in advance of arrival, sent to the competent authorities of the landing Member State ⁽⁸¹⁾.
- There is no requirement under EU rules to keep a copy of the notification of landing on board.

• Gear notifications

A gear notification is a notification made by the master (or his/her agent/representative) of the vessel about which gear(s) he/she is intending to use in the relevant geographical area during the period to which maximum fishing effort applies. ⁽⁸²⁾ There are also different allocation formulas if several gear types are notified.

Within the electronic recording and reporting rules, it is compulsory to declare the 'gear on board' (GEA) at the time of departure from port (DEP). Normally the notified gear is part of the special fishing permit (or fishing authorisation) ⁽⁸³⁾. Although there is no EU rule requiring the permit to be kept on board, it is frequently a national requirement and the flag Member State must make a list of special permits available via the secure parts of their websites to other Member States ⁽⁸⁴⁾.

⁽⁷⁶⁾ Article 115 of and items 40 and 41 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽⁷⁷⁾ Article 28 of Council Regulation (EC) No 1224/2009.

⁽⁷⁸⁾ Article 17 of Regulation (EC) No 1224/2009.

⁽⁷⁹⁾ Article 17 (1) (e) of Regulation (EC) No 1224/2009.

⁽⁸⁰⁾ Article 17(1)(f) of Regulation (EC) No 1224/2009.

⁽⁸¹⁾ Article 18 of Council Regulation (EC) No 1224/2009.

⁽⁸²⁾ Article 27 of Council Regulation (EC) No 1224/2009.

⁽⁸³⁾ Article 4 of and Annex III to Commission Implementing Regulation (EU) No 404/2011.

⁽⁸⁴⁾ Article 5 of Commission Implementing Regulation (EU) No 404/2011.

(c) Manual reporting

For vessels that complete paper logbooks, effort messages must be sent by radio, e-mail or similar means ⁽⁸⁵⁾. There is a standard format for manually transmitted effort messages ⁽⁸⁶⁾. This format lists the data required in the effort message in terms of the identity of the vessel, the geographical zones to be entered or exited and the catch on board. The messages must be sent to the flag Member State, and where appropriate to the coastal Member State, between 12 hours and 1 hour before an entry or an exit.

For vessels that enter and exit a fishing zone several times in one day, in a transzonal fishery within 5 nautical miles either side of the line between the fishing zones, only the first entry and last exit must be communicated ⁽⁸⁷⁾.

Member States may adopt alternative measures providing that they are equally as effective as those under EU rules ⁽⁸⁸⁾. For example, they may not require entry and exit messages if it is from and to a port situated within the zone of the fishing effort regime if the information is already recorded by VMS and in the logbook.

Fishing effort messages should also be recorded in the paper logbook in accordance with the instructions in the regulation ⁽⁸⁹⁾. These include crossing effort zones without fishing, entry to and exit from an effort zone, transzonal fishing and, for passive fishing gear, the setting, resetting and finishing of fishing operations.

For all vessels not under the obligation to record logbook data electronically and landing in another Member State, a prior notice of landing is required at least 4 hours in advance of arrival, to be sent to the competent authorities of the landing Member State ⁽⁹⁰⁾.

(d) Electronic recording and reporting system (ERS)

For vessels that complete electronic logbooks, effort messages and landing notifications are sent using the ERS in the same way as the regular catch information.

There is a standard format for effort messages and landing notifications which are sent as catch on entry or catch on exit, transzonal fishing, crossing and prior notification of return messages ⁽⁹¹⁾ (see descriptions below).

- Principle components of an electronic recording and reporting system**

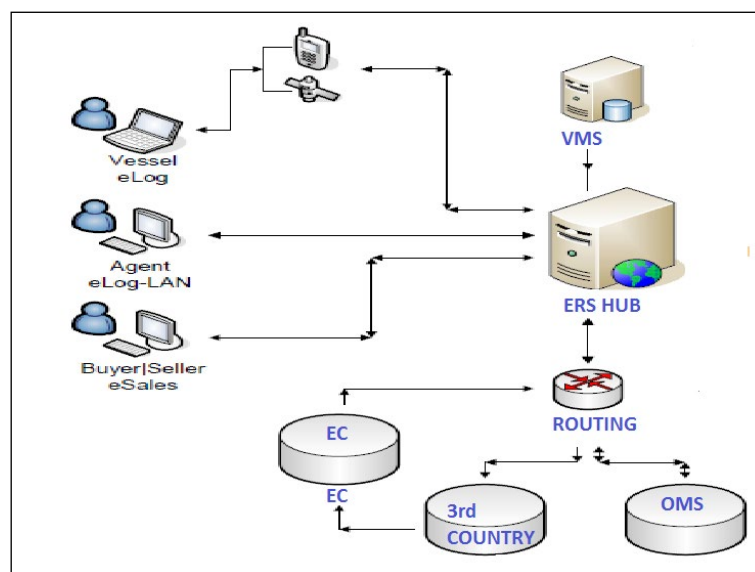


Figure 2 — A typical electronic recording and reporting system

⁽⁸⁵⁾ Article 28 of Council Regulation (EC) No 1224/2009.

⁽⁸⁶⁾ Articles 31 and 58 of and Annexes X and XVII to Commission Implementing Regulation (EU) No 404/2011.

⁽⁸⁷⁾ Paragraph 4 of Annex XVII to Commission Implementing Regulation (EU) No 404/2011.

⁽⁸⁸⁾ Article 28(2) of Council Regulation (EC) No 1224/2009.

⁽⁸⁹⁾ Paragraph 3 of Annex X to Commission Implementing Regulation (EU) No 404/2011.

⁽⁹⁰⁾ Article 18 of Council Regulation (EC) No 1224/2009.

⁽⁹¹⁾ Article 58 and Annex XVII Implementing Regulation (EU) No 404/2011.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

— *The FMC national ERS*

The core component receives data from fishing vessels, sales organisations, agents, other Member States, regional fisheries management organisations (RFMOs) and third countries. It sorts and stores data and routes data to other Member States, RFMOs and third countries.

— *Fishing vessel on-board data unit*

The on-board unit consists of a data entry device, usually a PC or laptop with embedded software, which allows the master to enter, edit and store the various mandatory reports. Data entry screens are generally designed to facilitate data entry and navigate through the system in a logical and uncomplicated manner and many of the systems currently installed on board EU fishing vessels have a broadly similar layout.

— *Patrol vessel on-board unit*

Electronic logbook data are stored in the ERS hub. Inspectors located on board fishery patrol vessels can access and retrieve data from the hub both by using satellite communications or by asking for information from the fisheries management centre (FMC). Inspectors should have access to current voyage and historical logbook data for national vessels and current voyage logbook data for other non-national vessels operating in their national waters. Historical data for this latter group of vessels must be made available on request to the flag state of the vessel ⁽⁹²⁾.

• **On-board ERS**

The data are submitted as a series of 'fishing logbook declarations' ⁽⁹³⁾ structured in such a manner as to record all the aspects of a voyage in a logical order. A series of 'sub-declarations' define much of the data to be included in the main declaration. Declarations and sub-declarations are stipulated as compulsory, compulsory 'if' or optional entries.

Each day, before 24:00, the master should transmit the electronic fishing logbook information to the flag Member State, even if there is no catch to be reported for that day. In addition the electronic fishing logbook information must be transmitted by the master on the following occasions:

- when requested by the fishing authorities;
- at the time of an inspection at sea;
- immediately after the last fishing operation;
- before entering port.
- at any time defined in European Union legislation or by the flag Member State.

The principle declarations are:

— *Departure from port declaration*

When a fishing vessel departs from port a departure message must be transmitted. The declaration details include the identity of the vessel and master and the date, time and port of departure, along with details of any catch retained on board from the vessel's previous fishing trip. In addition the master should detail his intended activity during the fishing voyage, such as fishing, transit or guard ship duty: other non-fishing type activities can be reported. The declaration also makes it compulsory for the master to record the fishing gear on board on departure from port.

In principle a master may not commence a fishing trip without having an operational ERS system on board ⁽⁹⁴⁾. The declaration, combined with a successful acknowledgement message, provides the master with confirmation that the system is operational.

⁽⁹²⁾ Article 44(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁹³⁾ Article 31 and Annex X of Commission Implementing Regulation (EU) No 404/2011.

⁽⁹⁴⁾ Articles 36(1) and 39(4) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

— *Fishing activity report declaration*

The FAR must include the following information:

- the fishing gear used, its dimensions and mesh size if applicable;
- the species caught in live weight (kgs) by species over 50 kg;
- the geographical area where the fish were caught;
- all fish discarded by species above 50 kg when not subject to the landing obligation ⁽⁹⁵⁾;
- all fish discarded by species above 50 kg subject to the landing obligation under the “de minimis” exemptions or high survivability exemptions;
- all fish discarded damaged by predators or protected species;
- all species of marine organisms over 50 kg kept on board subject to the landing obligation including those below the minimum conservation reference size (MCRS) as a separate entry. ⁽⁹⁶⁾

The following is a list of other notable information requirements.

- **Operating in more than one ICES area**

If a master fishes in more than one ICES division or fishing zone in the same 24-hour period, they must submit a separate fishing activity report, detailing the catches, for each ICES division or fishing zone.

- **No catch to report**

When sending a report with no catch information then gear and area must be reported.

- **Pair fishing**

Vessels that pair fish must record details of their partner vessel. Only the vessel receiving the fish should record the catch. To record details of a partner vessel the relocation report should be completed at the beginning of the voyage and should only be transmitted again if there is a change of partner vessel during the current voyage.

- **Fishing gear**

If different gears or mesh ranges are used on the same day, then a separate fishing activity report for each gear or mesh range must be recorded and reported.

- **Recording haul by haul**

In certain situations, masters will be required to record their fishing activity on a haul-by-haul basis or for each operation, for example, vessels operating in some third country waters or waters under the jurisdiction of an RFMO, trawlers operating with a deep sea licence or vessels fishing with static gear. However, masters recording each haul or fishing operation may transmit all relevant reports for that day in one data communication.

- **Lost gear**

If any fishing gear is lost this must be reported as soon as possible; a gear lost declaration should be submitted.

- **Fishing area**

When reporting fishing area the master should record the geographical area where the majority of the catch was taken.

⁽⁹⁵⁾ Article 14 (4) of Council Regulation (EC) No 1224/2009.

⁽⁹⁶⁾ Article 14(2)(f) of Council Regulation (EC) No 1224/2009.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

• Inspection

If a vessel is being inspected then the electronic logbook must be brought up to date prior to being inspected.

— Landing obligation

Masters must record species subject to the landing obligation, below the applicable MCRS over 50 kg live weight ⁽⁹⁷⁾ as a separate entry (BMS);

— Discard declaration ⁽⁹⁸⁾

Masters must record and report as a separate entry all estimated discards above 50 kg live weight equivalent in volume for any species to which the landing obligation does not apply (DIS) (this is covered in Section 5.2).

Masters must record all discards above all estimated discards above 1 kg live weight equivalent for any species to which the landing obligation does apply, but which can be discarded under

- the *de minimis* exemptions (DIM);
- high survivability species (DIS);
- all protected species or fish damaged by predators (DIS).

— Catch on entry and catch on exit declarations ⁽⁹⁹⁾

Catch on entry and exit reports are used when reporting a fishing vessel's entry to or exit from fishing areas under effort regimes. These reports may also be required when a master intends to fish in the waters of a third country or RFMO.

— Transzonal fishing effort declaration ⁽¹⁰⁰⁾

A transzonal fishing effort declaration is used by vessels that enter and exit a fishing zone several times in one day, in a transzonal fishery within 5 nautical miles either side of the line between the fishing zones. Only the first entry and last exit must be communicated.

— Prior notification of return to port ⁽¹⁰¹⁾

When an EU fishing vessel intends to enter a port in a Member State other than the flag Member State, the competent authorities of the flag Member State shall immediately upon receipt forward the electronic prior notification to the competent authorities of the coastal Member State.

— End of fishing report

The submission of this report confirms that the fishing activities recorded in the logbook have been finalised. The report must be submitted prior to entering the port where the landing will take place.

— Return to port report

This report details the date and time when the vessel returns to a port. Additionally, the master should record the reason for arriving in port, such as landing or sheltering.

— Transshipment report

Transshipments of catches to another vessel in EU waters can only take place within a designated port or location near a port. The report must be submitted within 24 hours of completion of the transshipment operation.

⁽⁹⁷⁾ Article 14(2)(f) of Council Regulation (EC) No 1224/2009.

⁽⁹⁸⁾ Article 14 (4) of Council Regulation (EC) No 1224/2009.

⁽⁹⁹⁾ Article 31 and Annex X(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁰⁰⁾ Article 31 and Annex X(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁰¹⁾ Article 17 of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

— *Relocation report*

Used when part or all of the catch is moved to another vessel (as may be the case for pair trawlers) or when catch is placed live in keep pots (as may be the case for shellfish vessels).

— *Other reporting criteria*

- **Corrections** ⁽¹⁰²⁾

Masters may transmit corrections to the electronic logbook reports up until the return to port (RTP) declaration. It is an ERS requirement that any corrections made by the master must be easily identifiable and that all original reports and corrections to these reports are recorded and stored by the competent authorities. The system does not permit original data to be overwritten.

- **Return Messages** ⁽¹⁰³⁾

All (ERS) messages transmitted by the master of a fishing vessel and successfully received by the FMC must be acknowledged by a system-generated return message. The return message is sometimes referred to as an 'ACK' or 'NACK' message as some systems will include within the return message confirmation that the message has been received in the correct format (ACK) or that the message has been received but there is a problem with the content format (NACK). Return messages must be retained on board until the end of the fishing trip.

- **Manual reporting** ⁽¹⁰⁴⁾

Included within the regulations are measures to address technical system failures on a fishing vessel while at sea. In the event of a technical failure, masters or their representatives must forward the required reports to the competent authorities of the flag Member State using the same delivery criteria as required for electronic submissions and using delivery systems as dictated by the Member State. The FMC must then ensure that the reports received are entered into the electronic database without delay on their receipt. In theory, this should ensure that a full record of the fishing trip is available to inspectors at sea despite the technical failures on board the fishing vessel.

- **Non-receipt of data** ⁽¹⁰⁵⁾

If the flag Member State authorities have not received (ERS) data whilst a vessel is at sea, they shall notify the master as soon as possible and the authorities of the coastal Member State if the vessel is present in those waters. The master must then immediately send all the missing data. If this occurs more than three times in a calendar year, the (ERS) system on the vessel must be thoroughly checked.

⁽¹⁰²⁾ Article 47 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁰³⁾ Article 38 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁰⁴⁾ Article 39 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁰⁵⁾ Article 40 of Commission Implementing Regulation (EU) No 404/2011.

Part C. Data and information sources

The secure part of Member State websites for lists of fishing authorisations, ERS for catch records and effort reports.

| | |
|---|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

Part D. Methodology

(a) Catch and activity reports

• Effort messages

The inspector will first need to assess if effort messages are required for the type of fishing activity carried out by the vessel and in what form they should be recorded. The following check list may be used:

- Is there a fishing effort regime in place at the inspection location?
- Is the vessel transiting, without the intention of fishing and with gear lashed and stowed? If yes, has the vessel made a 'crossing' effort message?
- Has the vessel been outside the geographical fishing zones covered by the fishing effort regime during the current trip? If yes, see entry and exit messages. It may be necessary to refer to VMS records.
- Has the vessel fished within an effort zone not exceeding 5 nautical miles either side of the line separating two effort zones? If yes, it must record its first entry and last exit during a period of 24 hours in a transzonal message.
- Is the vessel using static gear? If yes see the 'setting', resetting' and 'finishing' messages. In the ERS the relevant sub-declarations are gear deployment, gear shot, gear retrieved and gear lost.

Once it has been established that an effort message needs to be recorded, inspectors will need to check the following required elements:

- the word 'entry', 'exit', 'transzonal', 'setting', 'resetting' or 'finishing';
- the effort zone;
- position in latitude and longitude;
- the time of entry, exit, etc. (first and last times for transzonal messages);
- the catches retained on board by species at the time of entry, exit, etc.;
- the target species.

See the implementing rules of the Control Regulation for a full description of the required elements ⁽¹⁰⁶⁾.

(b) Notifications

• Before return to port ⁽¹⁰⁷⁾

The prior notification before return to port is made immediately before the end of the fishing trip and it is unlikely to form a check during an inspection at sea. If, however, it is apparent during an inspection on board a vessel that entry to port is imminent and the vessel should make a prior notice of entry to port, the inspector can make enquiries to check if the notification has in fact been made. The inspector should note that the master is obliged to include in his/her message quantities of those species recorded in the logbook and retained on board which are subject to the landing obligation ⁽¹⁰⁸⁾.

• Gear notifications

If in an area subject to a fishing effort regime and where the vessel activity is regulated by that regime, the master should be asked for the special fishing permit (or fishing authorisation) which should be in date and show the notified gear type. If the permit is not available, the FPV should check with the flag Member State's secure website or by direct contact with the FMC of the flag Member State. This check may be made in advance of the inspection. In the ERS departure declaration it is compulsory for the master to record the fishing gear on board on departure from port.

⁽¹⁰⁶⁾ Articles 31 and 43 of and Annexes X and XII to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁰⁷⁾ Article 17(1) of Regulation (EC) No 1224/2009.

⁽¹⁰⁸⁾ Article 15 of Regulation (EU) No 1380/2013.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

Fishing with a gear that has not been notified in a fishery subject to a fishing effort regime is an infringement.

(c) **Manual reporting**

The following checklist may be used which supplements the checklists for effort messages and notifications above:

- Did the vessel leave from a port in the fishing effort regime zone? If yes, is there a paper logbook entry or is there an equivalent national measure? (It may be useful to check this before the inspection with the flag state FMC.)
- Is the vessel required to complete a paper logbook? If yes, see recorded messages in logbook.

Chapter 2.2.2 — The VMS system

Part A. Introduction

The objective of this chapter is to enable the trainee to understand the operational use of VMS during inspections at sea. The chapter covers point 36 (VMS operating correctly) of the minimum information required for the completion of inspection reports ⁽¹⁰⁹⁾.

The vessel monitoring system, or VMS as it is widely known, is a satellite-based method of transmitting position data from a fishing vessel to the control authorities. It is a very powerful tool that allows the authorities to monitor fishing vessels in near real time to target control and to check the historical positions of a fishing vessel for compliance with catch records and restricted areas.

Part B. Concepts and definitions

(a) How VMS operates

• Technical functions

The VMS equipment receives position data from navigational satellites using the global positioning system (GPS) and then retransmits the data to the flag state control authorities through a communication satellite. In the European Union, the data are then passed on as necessary to other flag states, European bodies such as the European Fisheries Control Agency (EFCA), third countries and regional fisheries management organisations (RFMOs). These agencies then pass the data on to their inspection services at sea and on land.

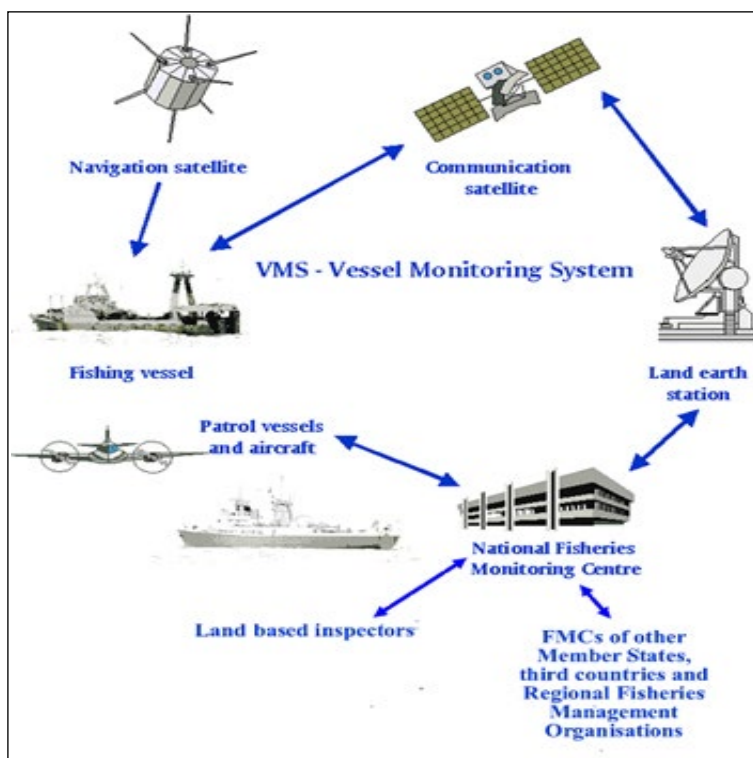


Figure 3 — VMS data flow

⁽¹⁰⁹⁾ Article 115 of and point 36 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

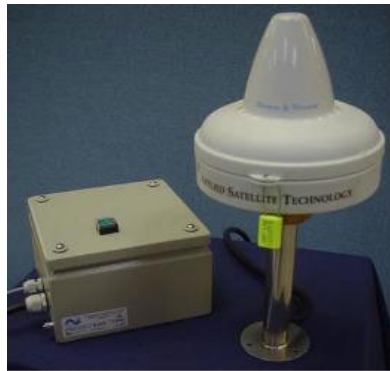


Figure 4 — VMS data processor (on left) and VMS antenna

- **Fisheries monitoring centre**

The fisheries monitoring centre (FMC) is a key link in the flow of VMS data between the fishing vessel and the control services. It is an operational centre established by the flag state and is equipped with computer hardware and software that enables the automatic and immediate reception of VMS data, and the processing and retransmission of the data. The set-up of an FMC differs from country to country but is normally an integral part of the fisheries control headquarters of an individual country. The FMC can, however, be a stand-alone centre that only processes VMS data, or it can be incorporated into another organisation, such as a maritime search and rescue organisation.

In the European Union, Member States are required to set up fisheries monitoring centres ⁽¹¹⁰⁾.

- **Flag State responsibilities**

Flag Member States are required to monitor the activities of their fishing vessels by VMS wherever those vessels may be ⁽¹¹¹⁾.

In the case of fisheries in third country waters or in areas of the high sea managed by an RFMO, the VMS data must be retransmitted to that country or organisation if required by an international agreement with the country or organisation ⁽¹¹²⁾.

- **Exchange of data**

The following data should be exchanged when fishing vessels operate in the waters of another Member State:

- The flag Member State must retransmit VMS data automatically and immediately to that coastal Member State during the time the fishing vessel is present in the waters of the coastal Member State ⁽¹¹³⁾. Member States should have a clear and documented procedure for this purpose. The data are not retransmitted to other Member States or the coastal Member State when the vessel is not present in its waters.
- In case of non-functioning of a VMS device on a fishing vessel, the flag state FMC shall send the manually transmitted geographical positions immediately on receipt to the coastal state FMC ⁽¹¹⁴⁾.
- If VMS data have not been received for 12 hours, the flag state FMC should notify the coastal FMC without delay if the last transmitted position was from within the waters of that coastal Member State ⁽¹¹⁵⁾.
- If the competent authorities of a coastal Member State observe an applicable fishing vessel in its waters but have not received any VMS data they should inform the flag state FMC ⁽¹¹⁶⁾ and the master of the fishing vessel.

⁽¹¹⁰⁾ Article 9(7) of Council Regulation (EC) No 1224/2009.

⁽¹¹¹⁾ Article 9(1) of Council Regulation (EC) No 1224/2009.

⁽¹¹²⁾ Article 9(4) of Council Regulation (EC) No 1224/2009.

⁽¹¹³⁾ Article 9(3) of Council Regulation (EC) No 1224/2009 and Article 24 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹¹⁴⁾ Article 25(2) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹¹⁵⁾ Article 26(2) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹¹⁶⁾ Article 26(3) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

- VMS data shall be made available upon request by a Member State in whose port a fishing vessel is likely to land its catches ⁽¹¹⁷⁾.
- The European Commission may request Member States to retransmit VMS data for specific vessels and during a specific time automatically and immediately to the Commission or to the European Fisheries Control Agency (EFCA) ⁽¹¹⁸⁾.

• Coordinates of Member State waters

Member States shall communicate the geographical coordinates of their exclusive economic zones (EEZ) to each other and to the Commission ⁽¹¹⁹⁾. These coordinates may be published on the public part of their websites.

• Presentation of VMS data

There are software systems that process VMS position data and present them in the form of an electronic chart showing the position, speed and heading of fishing vessels and their past activity. This is overlain with geographic information showing the coastline and fishing zones. This is very useful for the inspector to check compliance with access rights and to plan control activity.

Most VMS systems incorporate automatic alarms, for example to warn when a fishing vessel is crossing into a prohibited area or when the VMS equipment fails to transmit.

• Which vessels require VMS

All European Union vessels of 12 m overall length or more, with a few exceptions (see below), are required to have a fully functioning VMS device installed on board ⁽¹²⁰⁾.

All third country fishing vessels operating in European waters, including auxiliary vessels, of 12 m overall length or more are required to have a fully functioning VMS device installed on board ⁽¹²¹⁾. Third country vessels are required to transmit their VMS data to the coastal FMC responsible for the waters they are operating in.

• Exemptions

Member States may exempt vessels of less than 15 m overall length from the requirement to be fitted with a VMS device if (a) the vessel operates only in the territorial sea of the flag Member State or (b) the vessel never spends more than 24 hours at sea ⁽¹²²⁾.

• What data are transmitted

The VMS device should transmit:

- the fishing vessel identification;
- the most recent geographical position with a position error of no more than 500 m;
- the date and time (expressed in coordinated universal time — UTC) of the fixing of the said position of the fishing vessel;
- the instant speed and course of the fishing vessel.

The VMS device should be tamper-proof. That is it cannot be capable of the input or output of false signals or of being manually overridden. Most Member States require the VMS device to have an anti-tamper sensor inside the unit and for it to be sealed before installation in the vessel. In addition, the device may carry a unique number marked on the outside of the unit and recorded in the firmware inside.

• When are data transmitted

VMS data should generally be transmitted from the fishing vessel to its flag state FMC at least once every 2 hours ⁽¹²³⁾.

⁽¹¹⁷⁾ Article 9(3) of Council Regulation (EC) No 1224/2009.

⁽¹¹⁸⁾ Article 28 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹¹⁹⁾ Article 24(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹²⁰⁾ Article 9(2) of Council Regulation (EC) No 1224/2009.

⁽¹²¹⁾ Article 9(6) of Council Regulation (EC) No 1224/2009.

⁽¹²²⁾ Article 9(5) of Council Regulation (EC) No 1224/2009.

⁽¹²³⁾ Article 22(1) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

In addition, the flag state FMC should be able to poll the actual position of each of its fishing vessels. This means sending an electronic signal from the FMC to the VMS device on the fishing vessel, which will automatically cause the VMS data to be transmitted immediately ⁽¹²⁴⁾.

There are reciprocal agreements for VMS with third countries and RFMOs, where the vessel's position must be reported once every hour.

The frequency of the transmission of VMS data should be increased to once every 30 minutes when a fishing vessel enters a 'fishing restricted area' ⁽¹²⁵⁾. These are areas defined as 'a marine area under the jurisdiction of a Member State which has been defined by the European Council and where fishing activities are either limited or banned' ⁽¹²⁶⁾.

• **Automatic identification system**

The automatic identification system (AIS) is a collision-avoidance system in which the vessel automatically transmits information, such as position, heading and speed and navigational status, at regular intervals, via a VHF transmitter built into an AIS transponder. The information originates from the vessel's navigational sensors, typically its GPS receiver and gyrocompass. Other information, such as the vessel name and VHF call sign, is programmed when installing the equipment and is also transmitted regularly. The signals are received by AIS transponders fitted on other vessels or on land-based systems, such as vessel traffic services (VTS) systems, or can be received via the Internet. The received information can be displayed on a screen or chart plotter, showing the positions of the other vessels.

AIS has a useful secondary function in fisheries control in that it can be used in much the same way as VMS, but since the transmissions are almost continuous (approximately every 10 seconds) there are no gaps in data, which is the case with VMS (up to 2 hours unless polled). AIS, however, is limited by range to line of VHF radio sight (about 50 km from a fishing vessel) so is of less use for shore-based surveillance of vessels in the open sea. A satellite version of AIS is being developed which will avoid this restriction and in some busy maritime waters, such as the North Sea, there are AIS receivers placed on fixed objects such as oil installations, which extends coverage.

It should be noted that AIS was not specifically designed for fisheries control and cannot be considered as a secure system for it. There are no EU fisheries rules on obstruction or interference with data or technical failure in the way that exist for VMS.

In the European Union, fishing vessels are required under the control regulation ⁽¹²⁷⁾ to operate an AIS for vessels of 15 m overall length and over. Data from the AIS should be exchanged with other Member States in the same way as for VMS.

• **Vessel detection system**

A vessel detection scheme (VDS) uses satellite images to identify vessels. The benefit compared with VMS and AIS is that it requires no transmission from the vessel so it cannot be tampered with. There are, however, significant technical and financial restraints on VDS and the European Union will not introduce the system for fisheries control unless there is evidence of a cost benefit compared with other means of surveillance ⁽¹²⁸⁾.

Part C. Data and information sources

- VMS data.
- Logbook data.
- Coordinates of Member State and third country waters, areas where specific rules apply, fishing restricted areas and waters covered by an RFMO.
- Contact points of FMCs in the Member States.

⁽¹²⁴⁾ Article 22(2) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹²⁵⁾ Article 50(3) of Council Regulation (EC) No 1224/2009.

⁽¹²⁶⁾ Article 4(14) of Council Regulation (EC) No 1224/2009.

⁽¹²⁷⁾ Article 10 of Council Regulation (EC) No 1224/2009.

⁽¹²⁸⁾ Article 11 of Council Regulation (EC) No 1224/2009.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

- Public websites of the competent authorities of each Member State, giving instructions for the transmission of manual positions in case of a VMS malfunction.
- Database of fishing vessel identities and dimensions; this may be from a published almanac or by access to the Union fleet register on the Internet ⁽¹²⁹⁾.
- Copy of communication procedures between FMCs of Member States.

Part D. Methodology

(a) Use of VMS data for inspection at sea

• Assessment of compliance

The historical VMS data can be analysed to assess compliance with the permitted access of the vessel to fishing areas. This may be at a number of different levels. For example:

- access to coastal 12-mile zones, based on historical rights ⁽¹³⁰⁾ or restricted for beam trawlers in excess of a certain engine power ⁽¹³¹⁾;
- access to fishing restricted areas;
- access given by fishing authorisation ⁽¹³²⁾;
- real-time closures ⁽¹³³⁾.

The historical data can also be used to cross-check with the logbook entries. For example, if the logbook records fish caught in a certain area (such as ICES VIId) then a VMS position would be expected from that area. As a word of warning, (a) take account of the fact that VMS may only be transmitted every 2 hours and if it were possible to carry out a suspect fishing operation in that 2-hour window and (b) since VMS only records geographic position, it does not record that fishing was taking place. The historical data can also be used for a purse-seiner when fishing (when the vessel is stopped and remaining in the same position).

(b) How to cross-check the position obtained by VMS, using other positioning systems such as AIS

Observations of an identified fishing vessel, either visually or using AIS, can be used to check the data flow of VMS from a fishing vessel. If, after identifying a fishing vessel subject to VMS, it is found there are no related VMS data, it could be due to the vessel not transmitting data or there being a break in the data path via the satellites and FMC(s).

The accuracy of the VMS position of the fishing vessel can be verified in real time by polling its VMS (either directly if the inspection vessel has access to the VMS system or indirectly via the FMC) and at the same time taking an AIS observation and/or a radar range and bearing applied to the inspection vessel position obtained (normally) by GPS. A cross-check can then be made of the two positions derived from VMS and AIS/radar. This method requires the fishing vessel to be in AIS and/or radar range and for radar for the fishing vessel to be positively identified. If the two derived positions differ beyond expected errors, it may be because the VMS data have been altered to give a false position. This is an infringement which will need to be investigated.

(c) How to verify the responsibilities of the master concerning the correct use of the VMS system

• Responsibilities of the master

The master has certain responsibilities concerning the use of the VMS system:

— Operational at all times

Fishing vessels may not leave port without an operational VMS device installed on board ⁽¹³⁴⁾; this includes any transit voyages made when no fishing activity is carried

⁽¹²⁹⁾ Commission Regulation (EC) No 26/2004 and <http://ec.europa.eu/fisheries/fleet/index.cfm>

⁽¹³⁰⁾ Article 5(2) of Regulation (EU) No 1380/2013

⁽¹³¹⁾ Articles 30 and 34 of Council Regulation (EC) No 850/98.

⁽¹³²⁾ Article 7 of Council Regulation (EC) No 1224/2009.

⁽¹³³⁾ Commission Regulation (EU) No 724/2010.

⁽¹³⁴⁾ Articles 18 and 20(1) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

out. The only exception is following a technical failure of the VMS device where the flag state FMC may authorise the vessel to leave port with a non-functioning device so that the vessel can go to another port where it can be repaired or replaced ⁽¹³⁵⁾. The VMS device can only be removed from the fishing vessel with the approval of the competent authorities of the flag state.

— **Non-receipt of data** ⁽¹³⁶⁾

If the flag state FMC of a fishing vessel has not received VMS transmissions for 12 hours the FMC should immediately inform the master or representative of the vessel (unless the vessel has notified it is in port). If this happens more than three times in a year, the flag state authorities should check the VMS equipment on the vessel.

If the vessel was in the waters of another coastal Member State when the last VMS transmission was made before the break in transmission, the flag state FMC should immediately inform the coastal FMC of the non-receipt of data. Similarly, if the competent authorities of a coastal Member State observe an EU fishing vessel in its waters for which they have not received VMS data (if the vessel is subject to the VMS) they should notify the master of the vessel and the FMC of the flag Member State.

— **Tamper prevention**

The master of the fishing vessel has to ensure that ⁽¹³⁷⁾:

- the VMS data are not altered in any way;
- the antenna(s) of the VMS device is not obstructed (for example covered with a bucket), disconnected or blocked in any way as this would prevent the transmission of data;
- the power supply for the VMS device is not interrupted in any way; most Member States require the VMS device to have a back-up power supply provided by batteries in case there is a power failure on the vessel;
- the VMS device is not removed from the fishing vessel without approval; this would prevent, for example, the VMS from being placed on another vessel legally fishing or left in port whilst the fishing vessel carries out unobserved and possibly illegal activity;
- the VMS device is not destroyed, damaged, rendered inoperative or interfered with unless the flag state authorities have authorised its repair or replacement.

Most Member States require the VMS device to be sealed so the master has no access to the equipment. Some Member States require an internal alarm to be fitted which sends a signal to the FMC if the unit is removed or opened.

• **When the VMS device can be switched off** ⁽¹³⁸⁾

The VMS device may only be switched off in port if the fishing vessel flag state FMC has been notified in advance and when the VMS device is switched on again the fishing vessel is in the same position as it was in when the VMS device was switched off. The notification to the flag state FMC may be made by an automatic VMS message or alarm.

• **Technical failure of the VMS device**

As soon as the master of a fishing vessel is aware of a technical malfunction of the VMS device whilst the vessel is at sea, he should communicate the geographical position of the fishing vessel to his flag state FMC every 4 hours. The master may be aware of the malfunction of the device from his own observations or he may have been informed by his flag state FMC that VMS data were not being received.

These manually sent geographical positions should be recorded in the FMC database so that they are available to the inspection services in the same way as automatically transmitted VMS data and they should be passed on immediately to the coastal FMC if the vessel is in

⁽¹³⁵⁾ Article 25(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹³⁶⁾ Article 26 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹³⁷⁾ Articles 20(2) and 20(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹³⁸⁾ Article 18(2) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

the waters of another Member State. The manually sent positions should be distinguishable from the automatically sent data. This enables the inspector to be aware that they were sent from a malfunctioning device which may need further investigation.

Following a technical malfunction of a VMS device, the fishing vessel may not leave port until the device has been repaired or replaced and is functioning to the satisfaction of the competent authorities of the flag state. However, the authorities may permit the vessel to go to another port if it is necessary for the repair or replacement of the VMS equipment.

(d) How to verify the responsibility and action taken by the master in case of VMS failure

The VMS is functioning correctly if the data arriving at the FMC and made available to the inspection vessel correspond with the observed positions of the fishing vessel. If this is the case, then no further action needs to be taken although it is useful to note any reference or serial numbers on the VMS processing device, the manufacturer of the processor and antenna, and if there are any lights on the processor indicating its operating status.

If no data are arriving at the FMC, there could either be a malfunction of the VMS equipment on board the vessel or a break in the communication path, either through the satellite links, or between FMCs if the fishing vessel is operating in the waters of another coastal state. It may be useful to poll the VMS device of the fishing vessel to check if it is functioning at that time.

If data are arriving at the FMC, but they do not correspond with the observed positions of the vessel (within an acceptable error), there could be a technical malfunction either with the equipment or communication path, or, more seriously, the data may have been altered, either inadvertently or illegally.

Normally the inspection team would be aware of the correct functioning of the VMS before conducting an inspection. If there was a lack of data transmission or there were erroneous data, the inspection team may check with the flag state FMC for an explanation.

During the inspection of the vessel, the inspectors should examine the VMS equipment on board, noting any operating lights or readings on the VMS processor as well as the serial number. They may also, if safe to do so, examine the external antenna and wiring for signs of damage or obstruction. It may be useful to take photographs for evidence in case of an infringement.

Once aware of any malfunction, the master should start to make 4-hourly manual position reports. The malfunction could be a technical failure of the VMS equipment on board the vessel or it could be a transmission failure between the vessel and the flag state FMC. The master is not responsible for any breaks in transmission of data after they have been received by the flag state FMC, for example if there is a break in the retransmission of data to the FMC of another Member State when the vessel is operating in the waters of that Member State.

It is important to check if the malfunction occurred during the current trip. If it occurred during a previous trip, the vessel should not have left port until the VMS equipment had been repaired or replaced.

Normally, the inspection team would be aware of a malfunction of the VMS in advance of an inspection from the fact that there were no data available, or the data received indicated they had been transmitted manually as required in case of a malfunction. The master should be aware of a malfunction, either by observation of the equipment on board the vessel or because he had been informed of a fault by his flag state FMC. If the master is not aware of a malfunction, possibly because of communication problems, he should be informed immediately, preferably in writing, and a note taken of the fact.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

In addition to his responsibilities following any failure of the VMS, the master is also legally responsible for (a) not altering any VMS data, (b) not obstructing the VMS antenna, (c) not interrupting the power supply to the VMS equipment and (d) not removing the VMS equipment from the vessel.

Once it has been confirmed that the master is aware of any VMS failure, it is necessary to verify (a) if the vessel had returned to port since the failure and (b) if the master is making the 4-hourly manual position reports to his flag state FMC in accordance with the approved means of communication published on the flag state website.

These checks will require inspectors to either check the VMS-receiving equipment on board the inspection vessel or to communicate with their flag state FMC, which in turn may need to refer to the fishing vessel flag state FMC if the vessel is from another Member State. The inspectors should find out (a) when the most recent VMS data were sent automatically (i.e. when the VMS equipment was last functioning) and (b) if the 4-hourly manual position reports are being made. The logbook can be used to verify if the fishing vessel has not returned to port since the malfunction.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

Chapter 2.2.3 — The logbook (paper and ERS)

Part A. Introduction

In the EU, the fishing logbook, in either paper or ERS form, is a key tool for the management of fisheries. The fisherman records the catch, where and how it was taken and with what gear, as well as certain data concerning the fishing trip, the fishing vessel and the master. This information is submitted to the authorities where it is principally used to monitor catches and fishing effort. The inspector will verify the information recorded in the logbook with observations on the fishing vessel and through VMS and other position indicators.

Generally, all EU fishing vessels, fishing in EU waters, of 12 m overall length or more are required to keep an on-board ERS ⁽¹³⁹⁾ and vessels between 10 m overall length and less than 12 m overall length are required to keep a paper logbook ⁽¹⁴⁰⁾. In addition, vessels between 8 m overall length and less than 12 m overall length fishing in the Baltic Sea need to complete a paper logbook ⁽¹⁴¹⁾. Member States may exempt their fishing vessels of less than 15 m overall length, if the vessels fish exclusively within the territorial sea of that Member State or never spend more than 24 hours at sea ⁽¹⁴²⁾.

This chapter will guide the trainee to complete points 27, 37, 38-39, 50-56 of the minimum information required for the completion of inspection reports ⁽¹⁴³⁾.

Part B. Concepts and definitions

(a) Entries to be made in the logbook

The following entries must be made in the logbook in both the paper and ERS versions ⁽¹⁴⁴⁾. All quantities must be expressed in kilograms live-weight equivalent or, where appropriate, the number of individuals:

- the external identification number and name of the fishing vessel;
- the FAO alpha-3 code of each species and the relevant geographical area in which the catches were taken;
- the date of catches;
- the date of departure from and of arrival to port, and the duration of the fishing trip;
- the type of gear, mesh size and dimension;
- legal size catches (LSC) - the estimated quantities of each species over 50 kg that are retained on board must be recorded; the permitted margin of tolerance of the quantities for each species recorded in the logbook is 10 %, expressed as a percentage of the figures recorded in the logbook;
- landing obligation
Masters must record species subject to the landing obligation, below the applicable MCRS over 50 kg live weight ⁽¹⁴⁵⁾ as a separate entry (BMS);
- discards ⁽¹⁴⁶⁾
Masters must record and report as a separate entry all estimated discards above 50 kg live weight equivalent in volume for any species to which the landing obligation does not apply (DIS) (this is covered in Section 5.2).
Masters must record all estimated discards above 1 kg live weight equivalent for any species to which the landing obligation does apply, but which can be discarded under
 - the *de minimis* exemptions (DIM);
 - high survivability species (DIS);
 - all protected species or fish damaged by predators (DIS).
- the number of fishing operations;

⁽¹³⁹⁾ Article 15 of Council Regulation (EC) No 1224/2009.

⁽¹⁴⁰⁾ Article 14 of Council Regulation (EC) No 1224/2009.

⁽¹⁴¹⁾ Article 12 of Regulation (EU) No 2016/1139.

⁽¹⁴²⁾ Article 15(4) of Council Regulation (EC) No 1224/2009.

⁽¹⁴³⁾ Article 115 and points 27, 37, 38-39, 50-56 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁴⁴⁾ Article 14 of Council Regulation (EC) No 1224/2009.

⁽¹⁴⁹⁾ Article 14(2)(f) of Council Regulation (EC) No 1224/2009.

⁽¹⁵⁰⁾ Article 14 (4) of Council Regulation (EC) No 1224/2009.

- each entry and exit from port and the catch retained on board by species;
- each entry and exit from areas where specific rules apply such as for a stock subject to a recovery plan and the catch retained on board by species;
- for static gear, the date and time of setting and resetting the gear and the time of completion of fishing operations must be recorded.

Note that third country fishing vessels operating in EU waters must keep a logbook in the same way as an EU vessel ⁽¹⁴⁷⁾.

If different logbooks are required for EU vessels fishing in the waters of an regional fisheries management organisation (RFMO) or in the waters of a third country they should use that logbook. Otherwise they should use the logbook, paper or ERS, required in EU waters.

(b) **The paper logbook**

- **Format**

Paper logbooks are printed by the flag Member State in a standard format ⁽¹⁴⁸⁾. The logbook page can be numbered with a code for the flag Member State and a unique serial number. Each page has at least one carbonated copy; the original page is for submission to the flag Member State and the copy is for submission to the landing Member State, if this is not the flag Member State. There may be additional carbonated copies, for example for the producer organisation and for the master to keep.

Note that there is no restriction under EU law on using a logbook printed by another Member State, nor is there a requirement to use the logbook pages in numerical sequence.

[illegible]

(147) Article 14(8) of Council Regulation (EC) No 1224/2009.

⁽¹⁴⁸⁾ Article 30 of and Annexes VI and VII to Commission Implementing Regulation (EU) No 404/2011.

(149) Annex VI of Commission Implementing Regulation (EU) No 404/2011.

(*) Delete whichever does not apply. Comments: _____

Figure 5 — *Standard paper logbook* ⁽¹⁴⁹⁾

There is a different format for EU vessels of less than 12 m overall length fishing on daily trips in the Mediterranean.

[illegible]

Figure 6 — *Mediterranean logbook for vessels less than 12 m overall length* ⁽¹⁵⁰⁾

Note that until 31 December 2017 masters of EU fishing vessels not subject to the ERS obligation may continue to use paper formats for logbook (Standard or Mediterranean) printed before 1 January 2016.

- **Instructions for completion of the logbook**

The regulations contain detailed instructions on how to complete the paper logbook ⁽¹⁵¹⁾.

- **Completion of the paper logbook**

The paper logbook has to be completed at the following times, even when there are no catches:

- daily not later than 24:00;
- before entering port;
- at the time of any inspection at sea;
- at the time of specific events laid down in legislation, such as entry into a different fishing zone covered by a recovery plan.

A new line should be filled in for:

- each day at sea;
- when fishing in a different zone on the same day;
- when entering fishing effort data.

A new page should be filled in when:

- using different fishing gear;
- fishing after transshipment or intermediate landing;
- after a visit to a port without landing;
- if the number of columns is insufficient for the number of species taken.

If fish remain on board after landing the quantity remaining of each species should be shown on a new logbook page.

⁽¹⁵⁰⁾ Annex VII to Commission Implementing Regulation (EU) No 404/2011.

(¹⁵¹) Article 31 of and Annex X to Commission Implementing Regulation (EU) No 404/2011.

(c) The on-board ERS

The on-board ERS is one part of the electronic reporting system (ERS) that brings together all electronic reports of fishing activity, landings, transshipments and fish sales. The same data elements must be entered into the on-board ERS as into a paper logbook, but there is no standard layout and Member States are free to implement systems appropriate to the needs of their authorities and industries ⁽¹⁵²⁾. The principle difference between an on-board ERS and a paper logbook is that the data are transmitted to a server hub in the flag Member State and are made immediately available to inspectors, who will then have the ability to view logbook data before they carry out an inspection.

The ERS data are always sent from the fishing vessel to the flag Member State. The data will then be immediately sent on to other Member States if the vessel is present in the waters of that Member State. The data are sent on to RFMOs or third countries if the vessel is present in those waters and if electronic logbooks are required.

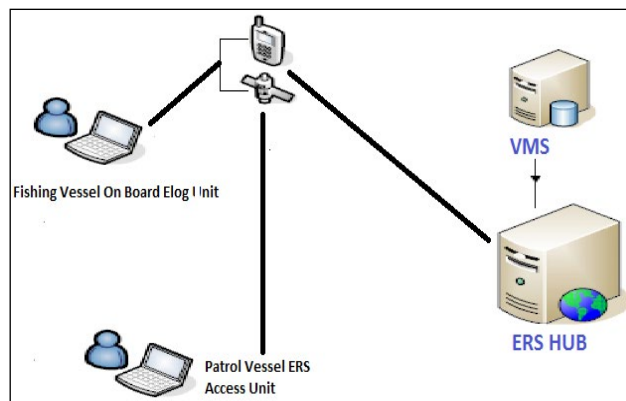


Figure 7 — A typical electronic logbook system

Part C. Data and Information sources

- The fishing logbook
- ERS
- VMS

Part D. Methodology**(a) Entries to be made in the logbook**

The master must be asked to bring his logbook, paper or ERS, up to date before the inspection. For the ERS, the data have to be available on board. The inspector should then do the following:

- Compare the assessment of the total catch on board, converted to live weight with the quantities entered in the logbook for all species over 50 kg live weight ⁽¹⁵³⁾;
- Check the quantities of species subject to the landing obligation and below the applicable MCRS; Check discards above 50 kg for any species, paying particular attention to species covered by the landing obligation, discard plans and exemptions ⁽¹⁵⁴⁾. Any difference beyond the tolerance allowed, based on 10 % of the figure entered in the logbook, is an infringement. If available, also compare the fishing logbook with the production logbook.
- Compare the recorded fishing activity, including any effort notifications, with the fishing authorisations and VMS records for the vessel.
- Compare the recorded fishing gear with the observed gear.

⁽¹⁵²⁾ Article 37 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁵³⁾ Article 14(2)(f) of Council Regulation (EC) No 1224/2009.

⁽¹⁵⁴⁾ Article 14 (4) of Council Regulation (EC) No 1224/2009.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

- Compare the recorded data for the identity of vessel and the master with the vessel's certificate of registry and the master's identification document.

Failure to maintain an accurate fishing logbook is an infringement.

(b) The paper logbook

See point (a).

(c) The electronic logbook

• Pre-inspection of electronic data

For the purposes of this section, pre-inspection is considered to be the period commencing when the decision to inspect the vessel at sea has been made up until the inspection party leaves the patrol vessel. This is to differentiate between higher-level operation risk assessments (where ERS data are also a very valuable input) and the 'real time' risk assessments undertaken by inspectors prior to conducting inspections at sea. This section also assumes that inspectors have access to the national ERS system and VMS systems from the patrol vessel. This pre-inspection period gives inspectors time to examine the available data and consider the conduct of the forthcoming inspection ⁽¹⁵⁵⁾ in a controlled environment.

The following processes should be considered when undertaking pre-inspection checks:

- Contact the fishing vessel to be inspected.
- Request the master to update the ERS ⁽¹⁵⁶⁾.
- Access the national ERS system; select the declarations for the vessel to be inspected, including the most recently updated ERS data. Historical ERS information for national vessels should also be visible. Historical information for vessels of another Member State operating in national waters is available to national inspectors subject to certain rules ⁽¹⁵⁷⁾.
- Check all ERS data including departure and any catch on entry or exit declarations. Also look for corrections to declarations.
- Access the VMS plot for the fishing vessel to be inspected and select a time period equivalent to the voyage dates declared in the ERS data.
- Cross-check positional information between ERS and VMS and check for inconsistencies between dates/times/positions. (NB: Some ERS systems also provide a tracking facility using an inbuilt GPS receiver).
- Check all ERS data have been entered correctly; most ERS systems incorporate some form of basic quality assurance and validation to reduce data entry errors; for example, correct date/time groups, gear and species codes, but incorrect data entry, either intentional or in error, cannot be entirely prevented. Take a note of any data errors or inconsistencies for clarification with the master during the inspection.
- Examine the recorded catches. Has the master recorded high catches for a particular species in a short period of time in a particular area? Compare with VMS track. Check against quota entitlement and consider whether the master has attempted to misreport area of capture.
- Consider whether the master has recorded a high catch rate for a particular species in the time between the previous transmission and the updated ERS, suggesting the possibility of under-recording of catches earlier in the voyage. Take note of any inconsistencies in catch data for clarification with the master during the inspection.
- Check declared mesh ranges used during the current voyage. Has more than one mesh range been declared?
- Consider the species declared. Are any subject to a recovery plan and therefore requiring separate stowage?

⁽¹⁵⁵⁾ Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁵⁶⁾ Article 47(1)(d) of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁵⁷⁾ Article 44 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

- Check ERS messages for previous voyages, particularly if attempts to under-record or misreport are suspected (note that this facility may not be available for non-flag vessels). Check also that any landing declaration from the previous voyage has been submitted within the required time frame of 24 hours after completion of the landing ⁽¹⁵⁸⁾. Inspectors should remain aware of the other information available on the hub, including sales notes and transport declarations, should this be useful.
- If the vessel is fishing with gill nets, examine the records for gill nets and ensure the reporting requirements specific to gill nets are correctly recorded ⁽¹⁵⁹⁾. If appropriate, consider the soak time requirements and check that these have been correctly observed. Cross-checking with VMS can be a useful tool in this respect.
- Print out copies of the ERS and VMS tracks, for use during the inspection. Masters are required to retain copies of all ERS transmissions on board for the current voyage ⁽¹⁶⁰⁾ but these may not be available to inspectors in a printed format on board the fishing vessel.

The full range of declarations ⁽¹⁶¹⁾ should be considered when inspecting electronic logbook data.

- **Inspection on board**

See point (a).

- **Provisions in the event of an equipment failure**

In the event of equipment failure on board the fishing vessel, which prevents the master from submitting the required reports electronically, the master is obliged to submit the reports by any other means. Inspectors should consider the following when encountering this situation:

- Are the reports appearing on the ERS hub? If so, this provides confirmation of the submission of data manually and the entry of the data by the authorities of the Member State as required by the regulation.
- If the reports are not appearing on the ERS at the FMC, inspectors must establish as soon as possible if the master is submitting manual reports as required.
- If the master is not submitting manual reports, inspectors must establish the reasons why reports are not being submitted and when the equipment failure occurred.
- Inspectors must establish if the equipment was operational when the vessel left port at the commencement of the fishing trip. It is prohibited to leave port without a functioning system unless approved to do so by the authorities of the Member State. Member States are required to place on a website a range of operational information regarding the current condition of their ERS system and inspectors are advised to check such websites for any information regarding vessels to be inspected at sea.

- **Inspection of electronic data on board the fishing vessel ⁽¹⁶²⁾**

The conduct of the inspection of ERS data once on board the fishing vessel will largely depend on the amount of information obtained from ERS and VMS in the pre-inspection phase and the priorities identified for the inspection. Items pertinent to ERS should be checked as follows:

- If the vessel is required to use ERS, inspectors should verify if the data was transmitted and, if needed, contact the FMC.
- Confirm that the master is submitting ERS data for the current voyage. Should the master claim to be submitting ERS information but this information is not visible on the national ERS hub, inspectors should examine the 'return' messages. If return messages have been received, it is probable that there is a system fault elsewhere. The inspection should continue using the information held on the fishing vessel data unit.
- If there is no return message, the master should be aware that the ERS data have not been received and therefore the master should be submitting manually.

⁽¹⁵⁸⁾ Article 24 of Council Regulation (EC) No 1224/2009.

⁽¹⁵⁹⁾ Article 31 and Annex X to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁶⁰⁾ Article 47 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁶¹⁾ Article 144 and Annex XII to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁶²⁾ Article 115 and Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|--------------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

- If there is no landing declaration for the previous fishing trip available on ERS and more than 24 hours has passed since completion of the landing, inspectors should ascertain if the master or his nominee normally submits the landing declaration and establish why the landing declaration is not available on the hub.
- If the vessel left from a port in the fishing effort regime zone, verify if there is an electronic logbook entry.
- Compare the assessment of the total catch on board, converted to live weight with the quantities entered in the logbook for all species over 50 kg live weight.
- Has the vessel targeted species which are subject to the landing obligation? ⁽¹⁶³⁾
- Has the master recorded separately ⁽¹⁶⁴⁾ in the logbook quantities of species subject to the landing obligation which are below the applicable MCRS? ⁽¹⁶⁵⁾
- Is there a discard plan in force for the fishing area, the targeted species and the gear used?
- Has the master recorded details of quantities of species over 50 kg per species discarded not subject to the landing obligation? ⁽¹⁶⁶⁾
- Where applicable (see discard plan), has the master recorded details of sampling of the catches before release?

While the obligations required of the master by the regulations are clear, when investigating apparent breaches of the regulations, inspectors should consider the relative complexities of the ERS system and the number of potential breakpoints in the system that are out of the control of the master.

⁽¹⁶³⁾ Article 15 (1) of Regulation (EU) No 1380/2013.

⁽¹⁶⁴⁾ Article 14 (2)(f) of Regulation (EC) No 1224/2009.

⁽¹⁶⁵⁾ Article 4(17) of Regulation (EU) No 1380/2013.

⁽¹⁶⁶⁾ Article 14(4) of Regulation (EC) No 1224/2009.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

Chapter 2.2.4 — Other declarations

Part A. Introduction

This chapter covers declarations concerning how the catch is handled after it has been taken on board up to the time the vessel returns to port. This information will assist the inspector to assess the quantity of fish on board.

The chapter will guide the trainee to complete point 43 of the minimum information required for the completion of inspection reports. ⁽¹⁶⁷⁾.

Part B. Concepts and definitions

(a) **Production logbook**

A production logbook is used to record the daily cumulative catch in the processed form as stowed and the method of production, for example the weight of fish with the guts removed or as fillets. This differs from the fishing log, which records the daily catch in live weight equivalent.

There is no EU format for a production log and it is not required by EU law on vessels fishing in EU waters. A production logbook may be seen on vessels which have been fishing in the regulatory area of a regional fisheries management organisation (RFMO).

The inspector will use the production logbook to compare with the fishing logbook and the assessment of the catch on board.

(b) **Stowage plan**

A stowage plan is a document that describes the location of the different species in the hold. It is required by EU vessels of 12 m overall length or more when fishing for demersal species subject to a multiannual plan ⁽¹⁶⁸⁾.

In addition to a stowage plan, catches of each demersal species subject to a multiannual plan must be stowed separately and not mixed with other species ⁽¹⁶⁹⁾.

There is no standard EU format for the stowage plan but it should be sufficiently clear for the inspector to be able to use it to find the different recovery species in the hold. For example, a drawing showing a plan view of the hold and the names of the recovery species will be sufficient. For larger holds, where the recovery species may be different at different levels, there will need to be an indication of the vertical location of the fish.

The inspector will use the stowage plan in the assessment of the catch on board.

(c) **Labelling**

Labels are applied to fishery products to identify the vessel, species, weight, production method and the date and zone of capture. Not all labels will show all this information and some labels may show other data such as serial numbers and bar codes. Labels are more likely to be used on frozen products for reasons of traceability but may also be seen on fresh fish, especially when the fish has been weighed at sea and is to be sold by direct contract.

Labels may be used by inspectors to assist in the assessment of catch on board and to reconcile with the records of dates and zones of capture in the logbook.

There is no specific legal requirement to use labels during fishing operations in EU waters although the rules require the identification of fish once it enters the market ⁽¹⁷⁰⁾. Labels are required for fisheries in the regulatory areas of some RFMOs.

⁽¹⁶⁷⁾ Article 115 and point 43 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁶⁸⁾ Article 44(2) of Council Regulation (EC) No 1224/2009.

⁽¹⁶⁹⁾ Article 44(1) of Council Regulation (EC) No 1224/2009.

⁽¹⁷⁰⁾ Article 58 of Council Regulation (EC) No 1224/2009 and Article 67 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|-------------|
| Inspect conformity of documentation | Module 2 |
| Check required declarations by the master | Section 2.2 |

(d) Transhipment declaration

A transhipment declaration is a record of fish which have been caught by one vessel and are transferred directly and without being landed to another vessel which was not involved in the fishing activity. There are rules on the format of the transhipment declaration and for submission ⁽¹⁷¹⁾.

When a vessel makes a transhipment, the master of the vessel which caught the fish must hand a copy of the transhipment declaration to the master of the receiving vessel. At the same time, the master of the receiving vessel must hand over a copy of a transhipment declaration for his vessel to the master of the vessel which caught the fish. In this way, it is possible to reconcile the quantities of fish on board either vessel with a combination of the logbooks and transhipment documents.

Note that EU rules prohibit transhipments at sea in EU waters ⁽¹⁷²⁾. Transhipments are only allowed after authorisation and in a port or a designated place close to the shore. However, inspectors will need to know what to do if they see a transhipment declaration during an inspection at sea.

The inspector will use the transhipment declaration to compare with the fishing logbook and the assessment of the catch on board.

Inspectors should be aware that uncontrolled transhipment is associated with a strong risk of non-compliance and the circumstances should be checked with particular care.

Part C. Data and information sources

- Vessel monitoring system (VMS)
- Data from ERS

Part D. Methodology

(a) Production logbook

The master should be asked if there is a production log. This may be in the form of an exercise book used by the person in charge of the fish room to record storage. The data, if available, should be used to compare with the assessment of the catch on board and the records in the fishing logbook. It will be necessary to convert the processed weight in the production log to live weight using conversion factors ⁽¹⁷³⁾ for the production method to make the comparison. For example if the production log shows 5 000 kg of gutted, head and tail on cod it should be multiplied by the conversion factor 1.17 to give 5 850 kg, which should equate with the figure in the logbook (plus or minus the 10 % tolerance of 585 kg).

⁽¹⁷¹⁾ Articles 21 and 22 of Council Regulation (EC) No 1224/2009 and Articles 29 to 32, 34 and 37 of and Annexes VI, VII, X and XII to Commission Implementing Regulation (EU) No 404/2011.

(b) Stowage plan

Inspectors should first ascertain if a stowage plan is required. If so, the master should be asked to produce it and it should be examined to see if it clearly indicates the location of different species both horizontally and vertically in the fish hold. This may need explanation from the master.

⁽¹⁷²⁾ Article 20 of Council Regulation (EC) No 1224/2009.

⁽¹⁷³⁾ Article 49 of and Annexes XIII to XV to Commission Implementing Regulation (EU) No 404/2011.

The inspector should bear in mind that catches of demersal species subject to a multi annual plan should be shown on the stowage plan indicating their location in the hold ⁽¹⁷⁴⁾.

⁽¹⁷⁴⁾ Article 44 of Regulation (EC) No 1224/2009.

Additionally, all catches of species below the MCRS retained on board a Union fishing vessel shall be placed in boxes, compartments or containers in such a way that they are separated from other such boxes, compartments or containers. Those catches shall not be mixed with other species above MCRS ⁽¹⁷⁵⁾. This does not apply to vessels less than 12 m length overall ⁽¹⁷⁶⁾.

⁽¹⁷⁵⁾ Article 49a (1) of Council Regulation (EC) No 1224/2009.

⁽¹⁷⁶⁾ Article 49a (2) of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|---|
| Module 2 | Inspect conformity of documentation |
| Section 2.2 | Check required declarations by the master |

The inspector should then confirm by observation that the location of fish in the hold corresponds with the stowage plan and that the required fish are separately stowed, taking into account any possible movement of fish containers caused by movement of the vessel. In the case of frozen fish it may be necessary to identify the species from the label if one is applied.

Failure to maintain an accurate stowage plan or to stow separately a recovery plan species when required are infringements.

(c) **Labelling**

On vessels carrying frozen fish, any cartons of fish should be examined for a label. For commercial reasons the labels will show information in the same format (e.g. vessel name, species weight, etc.) and after examining several cartons the inspector should be able to understand the system of labelling used on that vessel.

With this information, the inspector can compare the observed fish with the stowage plan (if required on the vessel). If there is sufficient room in the fish hold, it will be possible to count the number of boxes by each labelled category to assess the quantity of fish to compare with the fishing logbook records.

Failure to use labels is not an infringement if all the fishing has taken place in EU waters.

(d) **Transshipment declaration**

The logbook (paper or ERS) should be examined to see if it contains a transshipment declaration. If a transshipment declaration exists for the current fishing trip it should first be checked to see if the transshipment was legally made; that is with prior approval and in a port or a place close to the shore, designated for that purpose. This information may not be on board the fishing vessel and in this case it will be necessary for the FPV to check with the FMC of the flag Member State. It may be necessary to check VMS records to confirm the place of transshipment.

If the transshipment had been legally made, the quantity of fish assessed to be on board should equal the fish in the fishing logbook less the fish in the transshipment declaration for the catching vessel and the converse for the receiving vessel.

Failure to make an accurate transshipment declaration is an infringement.

APPENDIX 1: Bibliography

None.

APPENDIX 2: Links and references

- European Union legislation: http://eur-lex.europa.eu/RECH_naturel.do
- European Union fleet register: <http://ec.europa.eu/fisheries/fleet/index.cfm>
- European Commission Master data register: https://ec.europa.eu/fisheries/cfp/control/codes_en
- Lists of special fishing permits: the secure parts of Member State websites
- ICCAT recommendations: <http://www.iccat.int/en/RecsRegs.asp>

APPENDIX 3: Legislation

- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e.
- Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register.
- 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.
- Commission Regulation (EU) No 724/2010 of 12 August 2010 laying down detailed rules for the implementation of real-time closures of certain fisheries in the North Sea and Skagerrak.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 693/2004 and Council Decision 2004/585/EC.
- Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) 2187/2005, (EC) No 1967/2006, (EC) 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 as regards the landing obligation and repealing Council Regulation (EC) No 1434/98.

Module 3 Inspect conformity of catch on board

| | | |
|--------------------|--|-----------|
| Section 3.1 | Assess the quantities and species retained on board | 2 |
| | Chapter 3.1.1 — How to identify marine organism presentation | 3 |
| | Chapter 3.1.2 — How to identify the stowage | 5 |
| | Chapter 3.1.3 — Assess the live weight by species | 11 |
| | Chapter 3.1.4 — Check compliance with minimum conservation reference sizes of marine organisms | 20 |
| | ANNEX I: Presentations | 26 |
| | ANNEX II: Example of ullage table (partial) | 27 |
| | APPENDIX 1: Bibliography | 28 |
| | APPENDIX 2: Links and references | 28 |
| | APPENDIX 3: Legislation | 28 |
| Section 3.2 | Check conformity of catch on board | 30 |
| | Chapter 3.2.1 — Compare assessed quantities and species retained on board with the information recorded by the master | 31 |
| | Chapter 3.2.2 — Check stowage requirements | 42 |
| | Chapter 3.2.3 — Check presentation: Labelling | 44 |
| | Chapter 3.2.4 — Check fishing opportunities | 47 |
| | APPENDIX 1: Bibliography | 53 |
| | APPENDIX 2: Links and references | 53 |
| | APPENDIX 3: Legislation | 53 |

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

Section 3.1 Assess the quantities and species retained on board

Coverage: All EU regions

Objective(s)

Completion of this module, with associated on-the-job training, enables the trainee to assess the quantities and species of marine organisms retained on board a fishing vessel during an inspection at sea. The module assists the trainee to complete points 49 and 50 (catch inspection) of the minimum information required for the completion of inspection reports ⁽¹⁷⁷⁾.

Overview ⁽¹⁷⁸⁾

The quantities of most species of marine organisms a vessel can retain on board are regulated by a system of quotas set at the European level and managed at the national level. Generally the quantities of each species in excess of 50 kg of live weight equivalent retained on board must be recorded in a logbook, electronic or paper, by vessels of 10 m overall length or more (without prejudice to any specific provisions contained on any multiannual plans or national requirements). For certain species the number of individuals retained on board must also be recorded in the logbook.

An inspector must be able to accurately assess the quantities of each species retained on board as part of the inspection process.

Entry requirements

The trainee should be able to identify the species of marine organisms subject to total allowable catch (TAC), quota management and minimum retention size.

⁽¹⁷⁷⁾ Article 115 and points 49 to 56 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁷⁸⁾ Article 14 of Council Regulation 1224/2009.

| | |
|---|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

Chapter 3.1.1 — How to identify marine organism presentation

Part A. Introduction

Most regulations including those governing quotas of marine organisms and fishing logbooks are made in terms of the live weight of the marine organism. However, in many situations the marine organisms retained on board fishing vessels are processed or subject to specialised stowage procedures for several reasons:

- to increase the shelf life of the product; this is usually achieved by removing the internal organs (gutting);
- to remove those parts which may have no commercial value such as heads, tails and fins;
- for specialised processing geared to specific markets, for example filleting and removing skin;
- to retain the quality of the fresh catch until landed to shore processors.

Part B. Concepts and definitions

(a) **Live weight**

The live weight of a marine organism is its weight in its natural state at the time of capture and before any processing is carried out.

(b) **Presentation** ⁽¹⁷⁹⁾

Presentation means the form into which the marine organism is processed while on board the fishing vessel and prior to landing. Individual presentations are identified with a 3-alpha product presentation code ⁽¹⁸⁰⁾ (see Annex I).

(c) **Collective presentation** ⁽¹⁸¹⁾

Collective presentation means a presentation consisting of two or more parts extracted from the same fish.

(d) **State of processing** ⁽¹⁸²⁾

State of processing means the way the fish is preserved (fresh, fresh salted, frozen, etc.). They are identified with a 3-alpha state of processing code ⁽¹⁸³⁾.

(e) **Conversion Factors** ⁽¹⁸⁴⁾

A conversion factor is a factor to apply to the processed weight of a given species and presentation to calculate the equivalent live weight expressed in kilograms. Conversion factors may vary from one state of processing to another, for example:

- the conversion factor for gutted (GUT) fresh (FRE) European hake (*Merluccius Merluccius*, HKE) is: 1.11;
- the conversion factor for gutted (GUT) frozen (FRO) European hake (HKE) is: 1.34.

⁽¹⁷⁹⁾ Article 48 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸⁰⁾ Annex I to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸¹⁾ Article 48 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸²⁾ Annex I to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸³⁾ Table 2 of Annex I to Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸⁴⁾ Article 49 and Annexes XIII, XIV and XV of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

Part C. Data and information sources

The fishing logbook ⁽¹⁸⁵⁾

The fishing logbook contains the master's estimates of live weight of marine organisms retained on board by species over 50 kg equivalent live weight and for certain species the number of individuals retained, including the estimated quantities of species below the applicable minimum conservation reference size as a separate entry when they are subject to the landing obligation (see Chapter 2.2.3). The logbook also contains the master's estimates of discards above 50 kg live weight of species not subject to the landing obligation.

Part D. Methodology

Two fundamental processes should be followed by inspectors when identifying marine organism presentation. The first is a careful examination of the fishing logbook and the second is a comprehensive inspection of the retained catch. In addition it is good practice for inspectors to carefully observe the characteristics and activity of the vessel being inspected as this will provide valuable information regarding the likely species and presentations employed on that individual vessel.

(a) To identify marine organisms retained as live weight

- Identify the species retained on board as declared in the fishing logbook and the method of stowage, for example boxed, bulk or frozen in cartons.
- Inspect the retained catch in the stowage area, identify the species and compare with the species as declared in the logbook.
- Identify those species that have been retained in the natural state: species normally retained in the natural state include most pelagic species and smaller demersal species retained in bulk or catch from smaller vessels operating on a daily basis.

(b) To identify the presentation of marine organisms retained on board

- Identify the species retained on board as declared in the fishing logbook.
- Identify the method of stowage, for example boxed, bulk or frozen in cartons.
- Inspect the retained catch in the stowage area, identify the species and compare with the species declared in the logbook.
- Inspect the individual species and confirm the type of presentation in use. Note that individual species within the same catch may be presented in different ways depending on the size and the intended market, for example smaller sizes of haddock (*Melanogrammus aeglefinus*) retained in Region 2 may frequently be retained in the natural state while the larger sizes may be presented as gutted.

(c) To identify collective presentation

In the case of collective presentations, only one presentation should be used to calculate the equivalent live weight, to avoid 'double counting' of the same marine organism. For example, the marine organism may be presented as gutted, but the roes may also be retained. Obviously, both presentations have come from the same batch of marine organism. Therefore only one weight (normally the gutted weight) should be used to calculate the equivalent live weight.

⁽¹⁸⁵⁾ Article 14 of Council Regulation (EC) No 1224/2009.

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

Chapter 3.1.2 — How to identify the stowage

Part A. Introduction

The method of assessment of the quantities and species retained on board any fishing vessel is primarily dependant on the method of stowage used, for example for fresh marine organisms, frozen marine organisms or marine organisms in seawater tanks. This chapter describes the different methods of stowage seen on fishing vessels.

Part B. Concepts and definitions

(a) **Stowed on deck**

This is commonly found on small inshore vessels targeting a wide range of species which usually land the catch at least once per day. Marine organisms will frequently be stowed in boxes or bags on deck and covered with a wet cover to protect the catch from the sun. Some vessels may also use small deck-mounted vivier tanks (see point (g) below). Inshore vessels targeting pelagic species and landing on a daily basis may also stow the fish in deck pounds.

(b) **Fish hold**

A fish hold is any space designed or capable of holding marine organisms. A fish hold may also be called a 'fish room'.

(c) **Fresh stowage**

Fresh marine organisms are usually stowed in an insulated dry hold either in boxes, bins, sacks or bags or stowed in bulk. Boxes normally hold between 10 and 50 kg and bins will hold up to 400 kg. They are normally made of plastic or occasionally metal. Ice will normally be added to the box.

Shellfish such as king scallops (*Pecten maximus*) may be stowed in sacks or bags.

Bulk stowed marine organisms are stored directly on ice in the hold without containers in areas called pounds separated by vertical boards. The marine organisms may also be separated horizontally (shelved) to ease the pressure on the marine organisms stowed below. Bulk storage of this type is found less frequently nowadays and is usually used to stow larger species such as Atlantic halibut (*Hippoglossus hippoglossus*) and bluefin tuna (*Thunnus thynnus*), where boxed stowage is not appropriate.

Many fish holds on modern fishing vessels are refrigerated and in this case ice is not always used. Ice may be taken on board before the trip starts from an ice machine or factory on the shore or it can be produced on board by the vessel's own equipment.

Some smaller vessels making short fishing trips may stow the catch on deck, either in boxes or directly on the deck separated and held by wooden boards.

(d) **Frozen stowage**

Marine organisms may be frozen at sea in order to preserve the quality and allow longer fishing voyages, typically several months for demersal freezer trawlers and several weeks for pelagic freezer trawlers. The catch is processed and frozen shortly after capture and stored in a frozen hold at about -25°C . Demersal species may be processed in a number of ways ranging from freezing whole to skinless fillets. Pelagic species are generally frozen whole. Most freezer vessels will have several holds, typically two or three holds for a demersal trawler with a total capacity of 500 to 1 000 t and three to five holds on a pelagic freezer trawler

and a total capacity of 1 000 to 5 000 t. Some freezer holds may be split with a 'tween' deck into an upper and a lower hold. Freezer facilities may also be found increasingly on smaller vessels where high-value species such as whole Norway lobsters (*Nephrops norvegicus*) may be frozen immediately after capture in order to add value to the product.

Normally frozen marine organisms are stored in standard-sized cardboard boxes ranging from 5 to 30 kg although large marine organisms, for example Atlantic halibut and bluefin tuna, may be stored individually, sometimes wrapped in plastic. Frozen shellfish such as prawns and shrimps may be stored in bags of up to 30 kg in weight.



Figure 8 — Example of a freezer trawler

(e) **Salted fish**

This is rarely seen at sea nowadays but due to the potentially high value some vessels still salt the catch, usually cod (*Gadus morhua*) and ling (*Molva molva*). In a highly skilled process the fish is headed, gutted and split along the backbone and then laid flat in layers in the hold and covered with salt. Moisture drawn from the fish gravitates into the bottom of the hold from where it is discharged overboard. As the moisture content of the fish reduces the volume of the catch decreases.

(f) **Refrigerated seawater tanks**

Pelagic vessels landing to a shore-based production facility generally store the catch unprocessed in tanks containing refrigerated seawater held at a temperature of around 2–3 °C. Each vessel may have up to 12 tanks and generally the tanks are arranged in rows as a centre line tank and two wing tanks. The salt water is maintained at the correct temperature by recirculating the chilled water through a chilling plant. Refrigerated seawater tank vessels commonly use a vacuum pump system to transfer the catch from the net to a draining area prior to routing into a tank. The same system is used to discharge the catch to the shore factory.



Figure 9 — Example of a refrigerated seawater tank vessel

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

(g) **Vivier tanks**

Live shellfish, commonly crabs and lobsters (*Homarus gammarus*), are frequently stored in tanks of circulating seawater. These can either be small individual tanks placed on deck or large specially constructed tanks integral within the fish hold and accessed through small deck hatches. Vivier tanks may also be used to store live bait; this should be recorded in the fishing logbook.

(h) **Tubed containers**

Live Norway lobsters are frequently stored in boxes fitted with a matrix of individual tubes. Each specimen is placed in one tube and covered, the idea being to reduce the stress by recreating the natural burrow environment of the species.

(i) **Fish room certificate** ⁽¹⁸⁶⁾

A fish room (or fish hold) certificate is a document with accurate drawings and description of the fish rooms (storage spaces) and the access points to these spaces. It includes the storage capacity of the fish rooms in cubic metres. The fish room certificate is required for EU vessels of 17 m length overall and over and it must be certified by the competent authorities of a Member State and be kept on board the fishing vessel (see handbook Chapter 2.1.5).

The inspector uses the fish room certificate as one of the tools to assess the quantity of marine organisms on board.

(j) **Stowage plan** ⁽¹⁸⁷⁾

A stowage plan is a document that describes the location of the recovery species in the hold. It is required for EU vessels of 12 m overall length or more when fishing for demersal species subject to a multiannual recovery plan (see chapter 5.1.2).

In addition to a stowage plan, catches of each species subject to a demersal multiannual plan must be placed in boxes, compartments or containers separately for each such stock separately and not mixed with other species. The inspector may use the stowage plan in the assessment of the catch on board.

(k) **Ullage tables for refrigerated seawater tanks** ⁽¹⁸⁸⁾

An ullage table is a document carried on board the catching vessel showing the volume in the tank in cubic metres at 10 cm intervals (see chapter 2.1.6). It is normally expressed as the ullage or space remaining above any fish and water contained in the tank so that, for example, a full tank would have an ullage value of zero. The measuring point for the ullage is designated on each table, for example 'hatch coaming top forward end'. An example of an ullage table is shown in Annex II.

(l) **Caging for bluefin tuna** ⁽¹⁸⁹⁾

Regarding transport of live fish from the point of capture to the farm cages in the bluefin tuna fisheries in the Mediterranean Sea, there are two consecutive stages:

- Transport caging:

A bluefin tuna transport cage is a closed space capable of holding live bluefin tuna individuals caught by purse seiners and later towing them from the fishing grounds to farm facilities. The estimated number of tuna that can be transported per cage will depend on several factors. A 30 m-diameter transport cage transporting 100 t would hold around 1 100 individual tuna (ranging from 30 to 200 kg or even more). Cages are towed by tugboats at very low speed to the farms, where the tuna are transferred to farm cages.

⁽¹⁸⁶⁾ Article 7 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸⁷⁾ Article 44 of Council Regulation (EC) No 1224/2009.

⁽¹⁸⁸⁾ Article 7 of Commission Implementing Regulation (EU) No 404/2011.

⁽¹⁸⁹⁾ Regulation (EU) No 2016/1627



Figure 10 — *Example of a transport cage*

- Farming caging

A bluefin tuna farming cage is a closed space capable of holding live fish during a certain period for the purpose of fattening. Typically, these floating facilities, generally bigger than the transport cages, are located at between 1 and 3 nautical miles off the coast, where they are anchored at depth ranges of between 35 and 50 m.

Part C. Data and information sources

- Fishing logbook
- Stowage plan
- Ullage tables

Part D. Methodology

It is good practice for inspectors to carefully observe the activity and characteristics of the fishing vessel prior to the inspection as this provides valuable information regarding the likely target species and stowage methods employed on that individual vessel. Two fundamental processes should be followed by inspectors when identifying stowed marine organisms. The first is a careful examination of the logbook and any other relevant documentation and the second is a comprehensive observation and inspection of the retained catch and the stowage spaces.

(a) **Stowed on deck**

- The inspector should examine all boxes on deck to gain a complete picture of the retained species.
- Some inshore vessels may also have a small dry hold below the main deck.
- It can be challenging to estimate the weight of the catch when stowed on deck, particularly in the case of pelagic species stowed in deck ponds, and it may be necessary to monitor the landing of the catch to ascertain the live weight.

(b) **Fresh stowage**

- From the fishing logbook, note the species and weights and stowage methods recorded.
- If available, check the stowage plan and identify any species requiring separate stowage.
- Similarly check the fish room plan to identify the location of the spaces in use and other spaces that may be empty but must still be inspected.

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

- Inspect the declared storage areas and confirm recorded information.
- Inspect any other areas where fish may be stowed, for example empty fish holds, box stowage areas and bait rooms.

(c) **Frozen stowage**

- From the fishing logbook, note the species, weights and stowage methods recorded.
- If available, check the stowage plan and identify any species requiring separate stowage.
- Similarly check the fish room plan to identify the location of the spaces in use and other spaces that may be empty but must still be inspected.
- Inspect the declared stowage areas and confirm the recorded information.
- Inspect any other areas where frozen fish may be stowed.
- On pelagic freezer vessels, newly caught fish are frequently held in refrigerated seawater tanks prior to transfer to the freezer plant. Any such tanks should be checked as part of the inspection.

(d) **Refrigerated seawater tanks**

- From the fishing logbook, note the species and weights and stowage methods recorded.
- From the ullage tables, identify the total number of tanks and identify those containing fish.
- Visually check each tank, including empty tanks, by observation through the tank lid. A powerful torch is a useful tool here.

(e) **Vivier tanks**

- From the fishing logbook, note the species and weights and stowage methods recorded.
- If the tanks are mounted on deck, visually check the tank by observation.
- If the tanks are below deck, visually check as far as possible. However the construction of integral vivier tanks and the lack of any access at sea apart from a relatively small loading hatch makes this a difficult task.

(f) **Caging bluefin tuna**

- From the fishing logbook, note the weight and number of individuals recorded.
- From the fishing logbook, confirm any transfer details.
- Visually check if nets and floats are assembled to the cage ring.
- Underwater monitoring can be done. Occasionally, some Member States have used divers to monitor the cages. On some occasions, others have used divers at the catching point to monitor the transfer operations.

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

Chapter 3.1.3 — Assess the live weight by species

Part A. Introduction

In order to verify compliance with the accuracy of the logbook entries it is necessary to assess the live weight of each species of fish on board. The processed weight is assessed first and this is carried out by different methods depending on the method of stowage and access to the fish. Thereafter the appropriate conversion factor is applied to obtain the live weight of the retained species. Assessing the live weight during an inspection at sea is a skilled task subject to a range of factors that may be outside the control of the inspector. An accurate assessment of the catch live weight is frequently only established once the catch has been landed.

Part B. Concepts and definitions

(a) **Stowage factor and broken stow**

(see Figures 3 and 4)

Any compartment or tank containing stored marine organisms is never 100 % full. A certain volume is always left unfilled due to space between cartons, ice, water or broken stowage. To allow for this when calculating the weight of the marine organism in the space, a stowage factor is applied to the volume of the space or volume of the catch stowed within the space.

Stowage factors for dry spaces are not set by regulation. The stowage factor for a dry space varies according to the product, type of packaging, the shape and construction of the hold and the skill of the crew packing the hold. A basic stowage factor for a particular hold can be determined by counting the number of cartons contained in 1 cubic metre of the stowed catch, applying the carton weight and dividing the resulting figure as below:

- number of cartons in 1 m³ = 30
- carton weight 22 kg
- total weight 30 x 22 kg = 660 kg
- stowage factor 660/1 000 = 0.66

Alternatively, if the production log (see point (b) below) for the previous voyage is available and the hold in question was full to capacity, note the weight of produce contained in the hold as recorded in the production logbook, then obtain the volume of the hold from the fish room certificate and divide the weight with the volume of the hold as below:

- weight of product in the full hold = 350 000 kg
- volume of hold = 570 m³
- stowage factor 350 000/570 000 = 0.61

Broken stow describes areas in the hold where the stow has broken down due to poor packing or spaces in the hold that cannot be accessed, for example around chiller or freezer coils and piping on hold deck heads. Frequently such spaces are allowed for when determining the stowage factor but if this is not the case it is accepted practice to reduce the assessed volume by up to 5 % to allow for broken stowage.

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |



Figure 11 — A well-stowed freezer hold showing void space below deck head



Figure 12 — Broken stow in freezer hold

Stowage factors for catch stowed in refrigerated seawater tanks are set by regulation ⁽¹⁹⁰⁾, for example for herring (*Clupea harengus*) it is 0.86 and for mackerel (*Scomber scombrus*) it is 0.8.

(b) Production log

Vessels where some form of fish processing is carried out on board generally maintain a record of this activity which is known as the production log. This frequently consists of a computer-based record linked to the production system. This log indicates all the production activity carried out during the voyage and typically for a pelagic freezer will record the species by grade, weight, date and time of production, number of cartons, net weight of cartons and storage location. Details of the labelling content may also be available ⁽¹⁹¹⁾.

(c) On-board weighing system ⁽¹⁹²⁾

An on-board weighing system consists of scales used to weigh marine organism whilst the vessel is at sea. When marine organisms are weighed on board for the purpose of catch registration, the inspector should check the certificate for an on-board weighing system. Weighing systems should be calibrated and sealed in accordance with national procedures.

⁽¹⁹⁰⁾ Article 10 of Commission Regulation (EC) No 3703/85.

⁽¹⁹¹⁾ Article 58 of Council Regulation (EC) No 1224/2009.

⁽¹⁹²⁾ Article 60 of Council Regulation (EC) No 1224/2009 and Article 72 of Commission Implementing Regulation (EU) No 404/2011.

(d) Ullage

Ullage is defined as the empty space remaining above the cargo and is one way of calculating the volume of catch in a fish hold or tank. It is necessary to know the storage capacity of the fish hold and this data can be obtained from the fish hold certificate. The volume of fish in the hold is determined by subtracting the volume of the empty part of the hold from the total storage capacity.

(e) Dipping tanks

Refrigerated seawater tanks are 'dipped' to measure the ullage by using an ullage tape (see Figure 13). This consists of a reel with winding handle containing a steel tape with metric graduations and a brass weight on the outer end. Many ullage tapes used for dipping refrigerated seawater tanks substitute a metal plate for the weight as this assists in gauging when the top layer of the fish has been reached. The filled volume of the tank is then established by referring the measured ullage to the corresponding ullage table (see Chapter 3.1.2, Part B(e)).



Figure 13 — *Example of an ullage tape*

(f) Bluefin tuna transfer declaration ⁽¹⁹³⁾

A bluefin tuna transfer declaration is a document recording accurate information about tuna catches at all production stages. The master of the catching vessel should complete and transmit the transfer declaration to the competent authorities of his flag Member State at the end of the transfer operation to the tug vessel. It must be numbered and certified by the competent authorities of a Member State and be kept on board. The original transfer declaration should accompany the transfer of the fish from the catching point to the farm.

(g) Bluefin tuna transfer video ⁽¹⁹⁴⁾

A bluefin tuna transfer video record is an electronic motion capture of alive bluefin tuna individuals which are transferred from an underwater space to another. Each underwater transfer operation needs to be monitored by video camera and this record must be kept on board. The quality of the video record must allow the counting of the fish. Access to the video for review must be granted to the inspector.

Part C. Data and information sources

The following items should be considered as appropriate to the type of vessel being inspected and the type of stowage in use:

- Tape measure (tape or electronic)
- Fishing logbook
- Production logbook
- Stowage plan
- Fish room certificate
- Ullage tables
- Ullage tape
- On-board weighing system
- Fish labels
- Catch reports
- Conversion factors table
- Bluefin tuna transfer declaration
- Bluefin tuna transfer video
- Powerful torch

⁽¹⁹³⁾ Article 33 of Regulation (EU) No 2016/1627

⁽¹⁹⁴⁾ Article 33 of Regulation (EU) No 2016/1627

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

Part D. Methodology

(a) Catch stowed fresh in a dry insulated hold

- Boxed fresh fish on ice:
 - From the fishing logbook, note the species, box weights and stowage methods recorded. Note any species subject to a multiannual plan. Confirm with the master the presentation and conversion factor used for each species.
 - Inspect the retained catch as stowed in the fish hold. If the catch is boxed, count the total number of full boxes in the hold and compare with the logbook figure.
 - In the case of demersal species subject to a multiannual plan, check for correct separation of species, remembering that separation within the same hold is permissible as long as the individual species remain identifiable.
 - It is frequently not possible to identify all the species in a mixed stow but inspectors should take all reasonable steps to satisfy themselves that the catch in the hold is a representation of the recorded catch. This can involve moving boxes and breaking the stow of the boxes if necessary. This will normally require the cooperation of the fishing vessel crew.
 - Catch stowed in bins should be checked as far as possible, in particular inspectors should examine the catch below the first layers to ensure unrecorded species are not hidden below the upper layers.
 - If necessary, sample weigh a selection of boxes of the appropriate species. Weighing at sea in anything other than perfect weather conditions can be a challenging exercise and is frequently impossible unless the fishing vessel is equipped with calibrated weighing scales (as is increasingly common) but inspectors should endeavour to satisfy themselves as to the veracity of the declared box weights as far as is reasonably possible. When weighing boxes of fish on ice, the weight of any ice in the box must be allowed for and deducted from the gross weight. There is no specific methodology for sample weighing fish at sea, as a general rule any evidence concerning the weight of the catch may require weighing in a land-based controlled environment.
- Fresh catch on ice in pounds:
 - Where the catch is stored in bulk in pounds, inspectors should identify the species contained in the pound as far as practicable.
 - Thereafter the volume of the pound should be established by measurement and a stowage factor applied to volume to calculate the approximate processed weight of catch in the pound.
- Calculate the live weight:
 - The live weight of the species is calculated by multiplying the processed weight with the corresponding conversion factor for that species and presentation (see Table 1 below).

Table 1 — One box containing 42 kg of gutted cod (*Gadus morhua*)

| Product | Gutted fresh cod (GUT FRE COD) |
|-------------------|--------------------------------|
| Processed weight | 42 kg |
| Conversion factor | 1.17 |
| Live weight | $42 \times 1.17 = 49.14$ kg |

- The live weight of the species in a fish pound is calculated by multiplying the stowed volume by the stowage factor and then by the conversion factor (see Table 2 below).

| | |
|--------------------|--|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

Table 2 — Fish pound containing gutted, head-off swordfish (*Xiphias gladius*)

| Product | Gutted, head off, fresh swordfish (GUH FRE SWO) |
|-------------------|---|
| Pound volume | 4.16 m ³ |
| Stowage factor | 0.35 |
| Processed weight | 4.16 x 0.35 = 1. 456 t |
| Conversion factor | 1.31 |
| Live weight | 0.456 1.31 = 1. 907 t |

- Potential difficulties:
 - There are occasions when conditions on board the fishing vessel make it extremely difficult to carry out an accurate assessment of the catch during an inspection at sea, for example when the fish hold is almost full or a high percentage of the catch is stowed in pounds with a high percentage of ice. In such circumstances inspectors should endeavour to verify the catch figures, however it should be recognised that in these circumstances the only way of confirming the catch contents is to monitor the catch at the time of landing. Inspectors at sea should add the necessary remarks to the inspection report and notify the landing port if appropriate.
 - Hidden fish: Catch may be hidden from the inspectors in a number of ways, including the following:
 - Catch may be stored in a place other than the fish hold (crew areas, bait rooms, etc.).
 - Catch may be stowed behind ice walls in the fish hold.
 - Catch may be stored in storage spaces not designated as such on the fish hold plan.
 - Boxes of processed fish may be labelled with an incorrect species.
 - Stacks of seemingly empty boxes may in fact contain catch. This is done by cutting out the bottoms of the boxes. What appears to be a stack of empty boxes now becomes a rectangular tube capable of holding significant quantities of hidden fish.
 - Freezer trawlers may carry grading equipment but any such equipment must not be capable of discharging graded fish directly overboard ⁽¹⁹⁵⁾. Inspectors should be aware of the potential for modifications made to any grading equipment intended to allow graded fish to be discharged directly overboard.

(b) Catch stowed frozen in a freezer hold

- From the fishing logbook, note the species and weights of the retained catch.
- From the production logbook, identify the type of presentation, the carton weight and where the fish is stowed. This is particularly important on demersal freezers where a number of species may be processed in different ways during the same trip.
- On pelagic freezers, establish the capacity of the refrigerated seawater holding tanks and how much fish is held at the time of the inspection. This can be several hundred tonnes.
- Wearing appropriate clothing, inspect the contents of the freezer holds in order to calculate the volume of the stowed fish.
- Always request to be accompanied by a crew member when inspecting a freezer hold.
- Several methods can be followed when estimating freezer hold capacity:
 - Method 1: Count the number of cartons, this is quite an effective method where the hold is fairly empty.

⁽¹⁹⁵⁾ Article 32 of Council Regulation (EC) No 850/98.

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

- Method 2: Measure the volume of the stowed fish, this is effective when it is not possible to count the cartons but the hold is no more than half full.
- Method 3: Measure the empty volume of the hold and subtract from the total hold volume as stipulated in the fish room certificate.
- Open a sample number of cartons in each hold space to confirm the contents and the presentation:
 - At the same time confirm the information regarding weight, species and presentation contained on the carton labels ⁽¹⁹⁶⁾.
 - If necessary, weigh a sample of cartons to check the recorded weight.
- Observe the general quality of the stow in the hold and consider an appropriate stowage factor and allowance for broken stowage.
- After measuring the volume of the stowed fish, calculate the live weight per species (see Tables 3 and 4 below).

Table 3 — Whole frozen herring

| Product | Whole frozen herring (WHL FRO HER) |
|--------------------------|------------------------------------|
| Measured volume | 425 m ³ |
| Broken stowage allowance | 5 % of 425 = 21 m ³ |
| Actual stowed volume | 401 m ³ |
| Stowage factor | 0.7 |
| Processed weight | 401 x 0.7 = 280.7 t |
| Conversion factor | 1.0 |
| Live weight | 280.7 tonnes |

Table 4 — Gutted frozen albacore tuna (*Thunnus alalunga*)

| Product | Gutted frozen albacore tuna (GUT FRO ALB) |
|--------------------------|---|
| Measured volume | 250 m ³ |
| Broken stowage allowance | 5 % of 250 = 12 m ³ |
| Actual stowed volume | 237 m ³ |
| Stowage factor | 0.35 |
| Processed weight | 237 x 0.35 = 82.95 t |
| Conversion factor | 1.23 |
| Live weight | 101.03 tonnes |

(c) Catch stowed fresh in refrigerated seawater tanks

- From the fishing logbook, note the species and weights of the retained catch.
- Confirm with the master which tanks are in use.
- Obtain from the master the ullage tables for the vessel and check the tank layout on deck corresponds with the tables.
- Request the master to open the tank lids for all the refrigerated seawater tanks.
- Visually inspect the contents of each tank viewing into the tank through the open tank lid. If possible identify any species stowed in the tank. Refrigerated seawater tanks are frequently full of chilled seawater even with no catch in the tank. Shining a powerful torch into a tank full of water can illuminate the tank bottom suggesting the tank contains no fish. Inspectors should never enter a refrigerated seawater tank at sea.

⁽¹⁹⁶⁾ Article 58 of Council Regulation (EC) No 1224/2009 and Article 67 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

- Measure the tank ullage:
 - Place the ullage tape at the nominated measuring point stated on the ullage table.
 - Lower the weighted end into the tank until resistance is met. If there is catch in the tank this will be the top of the fish layer. If the tank is empty this will be the bottom of the tank.
 - Identifying the fish layer can be problematic as a thick crust can form on top of the fish layer depending on the species and the length of time the catch has been in the tank. It is good practice to raise and lower the weight several times in order to reach the top of the fish layer. Experience helps in judging when the weight is in contact with the top layer of fish.
- Calculate live weight of the catch in the tank:
 - Read the ullage from the tape.
 - Use the ullage table to identify the volume of fish in the tank corresponding to the ullage.
 - Apply the appropriate stowage factor to obtain the corresponding live weight of fish in tank (see Table 5 below).

Table 5 — Refrigerated seawater tank vessel with herring in aft port, aft starboard and forward centre tanks using the ullage table (see Annex II)

| Tank | Ullage | Volume | Stowage factor | Live weight |
|-------------------|--------|-----------------------|----------------|-------------|
| Aft port | 5.0 m | 88.11 m ³ | 0.86 | 75.77 t |
| Aft starboard | 5.3 m | 79.15 m ³ | 0.86 | 68.07 t |
| Forward centre | 1.2 m | 226.87 m ³ | 0.86 | 195.11 t |
| Total live weight | | | | 338.95 t |
| Logbook weight | | | | 310.00 t |

- Caution should be exercised when dipping recently loaded tanks. Any ullage readings can be unreliable until the catch has settled in the tank.
- Some modern refrigerated seawater tank vessels are fitted with increasingly sophisticated catch-handling systems which include automated monitoring of tank contents using displacement measurement, a very accurate system. Inspectors should be aware of such systems and utilise the information displays as part of the inspection whenever possible.
- Potential difficulties:
 - Inspectors should also be aware of recent structural alterations around or within the tank that hinder the ullage by producing false readings or suggest the ullage tables may not be accurate. Look for any netting or metal tubes (sometimes called ‘rockets’) located below the tank lid that can keep catch stowed in the tank away from the tank square and give the impression the tank is empty. Shining a powerful torch into the tank around the arc of the tank lid coaming can be helpful.
 - Refrigerated seawater tank vessels catching herring, mackerel or horse mackerel (*Trachurus spp.*) are not permitted to carry grading equipment on board ⁽¹⁹⁷⁾. However inspectors should be aware that the catch handling system on deck can be quickly adapted to allow unwanted catch to be discharged overboard.

⁽¹⁹⁷⁾ Article 32 of Council Regulation (EC) No 850/98.

| | |
|---|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

(d) **Caging for bluefin tuna**

At the present time, while pilot studies explore methodologies on how to better estimate the weight and number of tuna at the point of capture and at caging, the inspector may assess the catch on board using the video records cross-checked with the transfer declaration and fishing logbook. Inspectors should be aware of the additional information concerning bluefin tuna operations required to be recorded in the logbook ⁽¹⁹⁸⁾:

- From the video records, assess the catch retained on board.

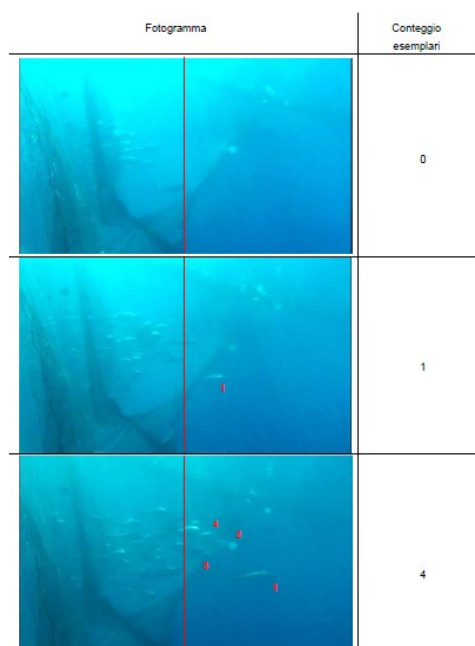


Figure 14 — *Example of video records*

- From the fishing logbook, note the quantities of bluefin tuna declared as retained on board.

Table 6

| Bluefin tuna age | Fork length (cm) | Weight (kg) |
|------------------|------------------|-------------|
| 1 | 60–70 | 3–5 |
| 2 | 80–90 | 6–10 |
| 3 | 95–105 | 12–17 |
| 4 | 110–125 | 20–30 |
| 5 | 130–140 | 35–45 |
| 6 | 145–155 | 50–60 |
| 7 | 160–170 | 65–75 |
| 8 | 175–185 | 80–100 |
| 9 | 190–200 | 110–130 |
| 10 | 200–210 | 140–150 |
| 11 | 210–220 | 160–180 |
| 12 | 220–230 | 180–210 |
| 13 | 230–240 | 210–240 |
| 14 | 240–250 | 240–300 |

⁽¹⁹⁸⁾ Article 25 of Regulation (EU) No 2016/1627

- or use conversion factors, i.e.: $RWT = 1.9607 \times 10^{-5} \times (FL)^{3.0092}$

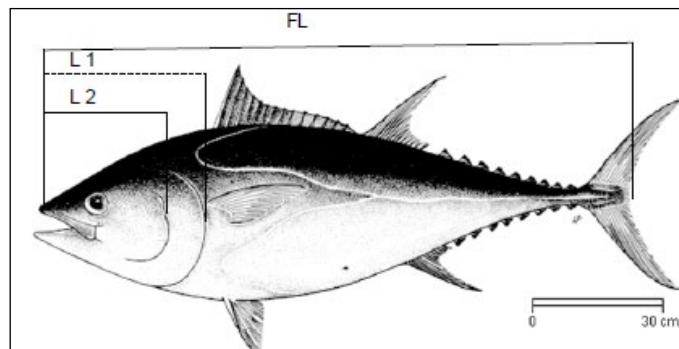


Figure 15 — Length measurements taken on bluefin tuna

- For example, bluefin tuna with a 120-cm fork length is going to weigh around:
 $RWT = 0.000019607 \times 1.728.000 = 33.88 \text{ kg}$
- From the transfer declaration, note the quantities of bluefin tuna recorded.
- Cross-check the assessed catch figures with the recorded catch figures and record any discrepancies.

As a point of interest, inspectors should be aware of the current development work intended to improve the measurement of bluefin tuna biomass using technology such as stereoscopic cameras.

| | |
|---|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

Chapter 3.1.4 — Check compliance with minimum conservation reference sizes of marine organisms

Part A. Introduction

The protection of juvenile marine organisms is a key element of the common fisheries policy: therefore minimum conservation reference sizes have been established for the main commercial species found in EU waters ⁽¹⁹⁹⁾.

Part B. Concepts and definitions

(a) **The minimum conservation reference size (MCRS)** ⁽²⁰⁰⁾

- ‘minimum conservation reference size’ means the size of a living marine aquatic species taking into account maturity, as established by Union law, below which restrictions or incentives apply that aim to avoid capture through fishing activity; such size replaces, where relevant, the minimum landing size;

(b) **Landing obligation**

- An obligation to land all catches (“the landing obligation”) of species which are subject to catch limits and, in the Mediterranean Sea, also catches of species which are subject to minimum sizes, made during fishing activities in Union waters or by Union fishing vessels, has been established and is being gradually implemented and rules that have so far obliged fishermen to discard are being repealed.

(c) **Discard plans**

- Exemptions to the landing obligation may be adopted through EU law or by discard plans; such acts made by delegated acts by Member States which have a direct management interest in a specific fishery and may specify additional technical conditions under which species subject to the landing obligation may be discarded.

(d) **Unintended catches** ⁽²⁰¹⁾

- Unintended catches shall mean incidental catches of marine organisms which must be landed and counted against quotas, either because they are below the applicable MCRS, or because they exceed the quantities permitted under the catch composition and by-catch rules.

A range of devices are available to help inspectors undertake checks on the size of retained marine organisms. Many of these may be stamped with a serial number, may be calibrated in some way and have the corresponding calibration certificates. As a general rule, inspectors should ensure that the gauge or gauges to be used are fit for purpose and, if they have been calibrated, that the calibration is up to date and the certificate is available. Failure to do so may render any results invalid from a legal perspective.

(a) **Fish measuring board**

- A typical fish measuring board consists of a horizontal flat plate with a vertical end plate at one end. Inserted into the flat plate is a metric measure with the zero point located at the end plate. Fish are measured by placing the snout against the end plate and measuring the length at the end point of the tail fin.

⁽¹⁹⁹⁾ Annex XII to Council Regulation (EC) No 850/98, Annex III to Council Regulation (EC) No 1967/2006 and Annex IV to Council Regulation (EC) No 2187/2005.

⁽²⁰⁰⁾ Article 4(17) of Council Regulation (EU) No 1380/2013.

⁽²⁰¹⁾ Article 3(i) of Council Regulation (EC) No 850/98.

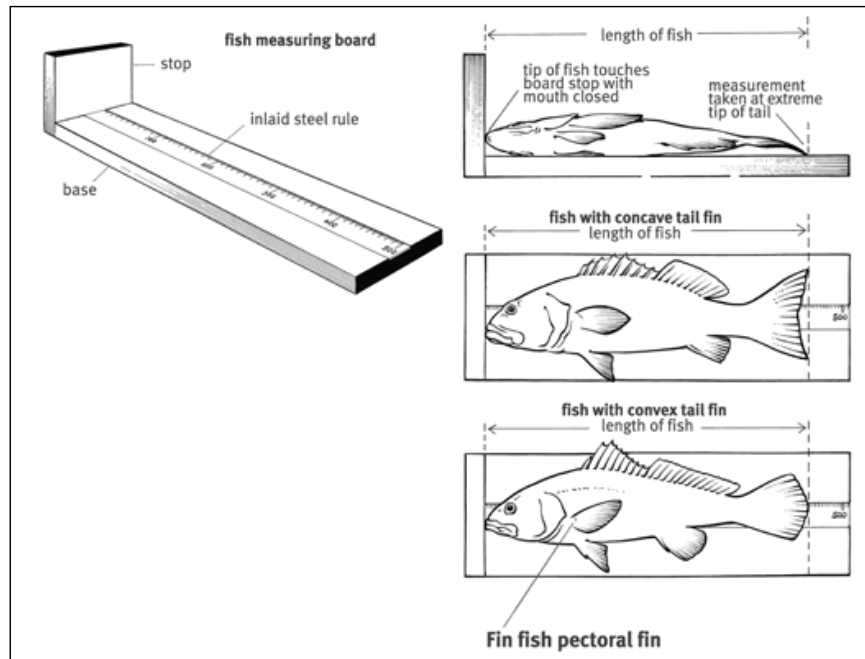


Figure 16 — Example of a fish measuring board

(b) **Shellfish gauge**

- Shellfish gauges are available in various forms. Vernier gauges are most suitable for obtaining an exact size of the individual shellfish although this is a time-consuming process if large numbers of catch are involved.

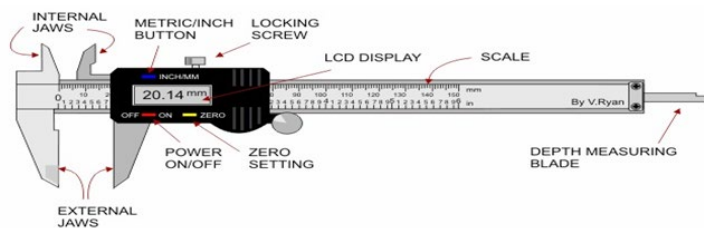


Figure 17 — Example of a vernier shellfish gauge

(c) **Shellfish fixed gauges**

- An alternative is a fixed gauge consisting of a plate sized to allow undersized catch to pass through the plate. While this type of gauge does not allow individuals to be measured exactly, it does allow large numbers of catch to be quickly measured on a pass/fail basis.

| | |
|---|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

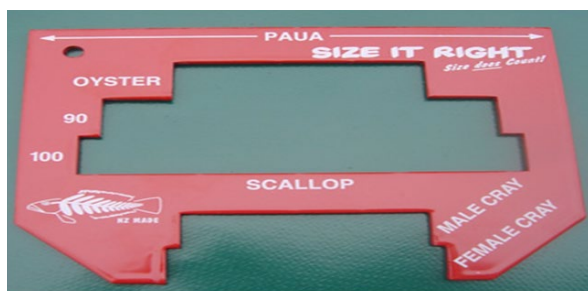


Figure 18 — *Example of a multi-sized fixed gauge*

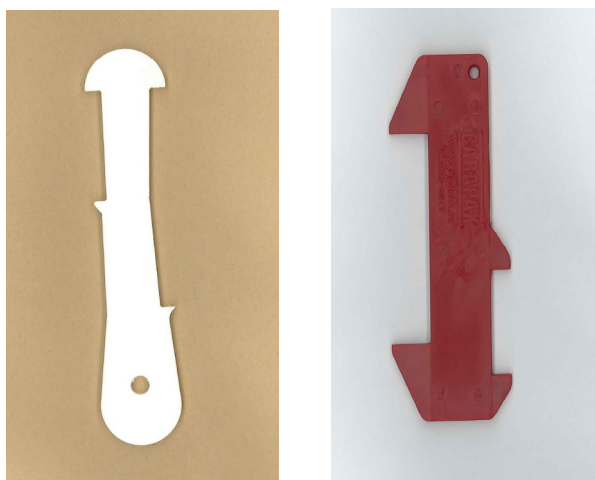


Figure 19 — *Other examples of fixed gauges*

Part C. Data and information sources

Lists of Minimum Conservation Reference sizes

Baltic Sea:

- Annex IV of Council Regulation (EC) No 2187/2005

Region 2-3:

- Annex XII of Council Regulation (EC) No 850/98

Region 9:

- Annex XIIa of Council Regulation (EC) No 850/98
- Recommendations from the General Fisheries Commission for the Mediterranean Sea (GFCM) ⁽²⁰²⁾

Mediterranean Sea:

- Annex III of Council Regulation (EC) No 1967/2006
- ICCAT recommendations

⁽²⁰⁶⁾ Article 6 of Recommendation GFCM /39/2015/4.

| | |
|--------------------|--|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

Part D. Methodology

(a) Inspection procedure

- Examine the catch on deck from the last haul to have an overview of the size ranges of the marine organisms as they come out of the net or shellfish pots. All marine organisms must be sorted into different species and per species below or over MCRS and weighed. The identification of quantities of species and sizes gives information of the catch that should be found on board the inspected fishing vessel.
- Carry out substantive checks of the size in the hold on marine organisms that have been processed and stowed.
- Identify all the species in the hold and note those species which are subject to the landing obligation.
- Unintended catches that are subject to the landing obligation, shall be kept on board. Species under MCRS shall be separately stowed from the species over MCRS ⁽²⁰³⁾. Verify those species over 50 kg live weight per species are recorded in the logbook as a separate entry.
- Unintended catches that are not subject to the landing obligation, shall not be retained on board, but shall be returned immediately to the sea ⁽²⁰⁴⁾. Verify those species when over 50 kg live weight per species are recorded in the logbook.
- Identify which boxes (or stowage area for bulked fish) contain smaller fish. It may be necessary to check the boxes at the bottom of a stack or those stacked behind other boxes.
- Examine a representative sample of each species, concentrating on the boxes containing the smaller marine organisms. It is useful to also check boxes of larger marine organisms just in case any small individuals are mixed in. The whole box should be examined and not just the marine organisms on the top of the box. It may be necessary to separate out the marine organisms from any ice. This should be done with care to avoid damage and preferably with the assistance of a crew member.
- Measure the size of any marine organisms that appear to be close to the MCRS. The size of any undersized marine organisms should be noted.
- It is a good idea to carry a list of the MCRS for the species likely to be seen in the area of operations as a reminder.

(b) Measuring procedure

Marine organisms should be measured according to the following methodology, according to the class of the organism ⁽²⁰⁵⁾⁽²⁰⁶⁾.

- **Fish**
 - Fish should be measured using a fish measuring board (see Figure 16).
 - Lay the fish with the snout against the vertical plate and the length is taken at the extreme end of the tail. The tail tip should be equal or pass the mark on the measuring board that corresponds to the minimum size for the measured species (according to the region where the fish is caught). The amount and size of undersized species should be recorded to assess and document the dimension of the infringement.
 - If a fish measuring board is not available, a steel tape measure may be used although this is not as effective and takes considerably longer.
- **Larger fish** ⁽²⁰⁷⁾
 - Larger fish species such as bluefin tuna and swordfish should generally be measured using a steel tape measure.

⁽²⁰³⁾ Article 49a of Council Regulation (EC) No 1224/2009.

⁽²⁰⁴⁾ Article 15(12) of Council Regulation No 1380/2013.

⁽²⁰⁵⁾ Article 15(2) of and Annex IV to Council Regulation (EC) No 1967/2006.

⁽²⁰⁶⁾ Article 18 of and Annex XIII to Council Regulation (EC) No 850/98.

⁽²⁰⁷⁾ Article 10 of Council Regulation (EC) No 520/2007.

- All species with the exception of swordfish should be measured fork length, that is to say taking the vertical distance drawn from the tip of the upper jaw to the extremity of the shortest caudal ray.
- The size of Atlantic swordfish in the Atlantic should be measured from the tip of the lower jaw to the fork of the caudal fin.

- **Shellfish and molluscs**

- The external jaws are placed across the part to be measured and a reading taken off the machine to an accuracy of 1 mm: a non-electronic vernier gauge can also be used.
- Shellfish may also be measured using a fixed gauge. A fixed gauge is useful where large quantities of shellfish, for example king scallops, are measured and a simple pass/fail test is required. Many shellfish fishermen routinely use a fixed gauge to check the size of the catch at the time of capture. As a matter of courtesy inspectors may wish to compare the gauge used by the fisherman with the official gauge to check the accuracy of the former.
- Lobsters and Norway lobsters
The size of lobster and Norway lobster is measured either as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal dorsal edge of the carapace (length 'a' in Figures 11 and 12), or as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae (length 'b' in Figures 20 and 21). In the case of detached Norway lobster tails, measure from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side ⁽²⁰⁸⁾.
- Crawfish
The size of crawfish shall be measured as the length of the carapace, parallel to the midline from the tip of the rostrum to the midpoint of the distal edge of the carapace (see Figure 22).
- Bivalve molluscs
The size of any bivalve mollusc shall be measured across the longest part of the shell (see Figure 23).

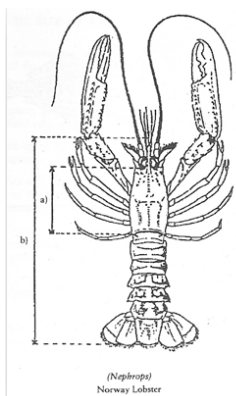


Figure 20 — Norway Lobster

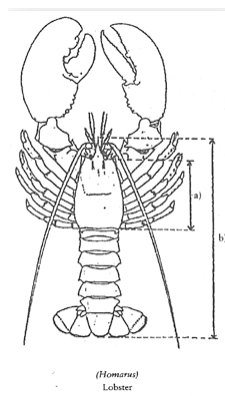


Figure 21 — Lobster

⁽²⁰⁸⁾ Annex XIII to Council Regulation (EC) No 850/98.

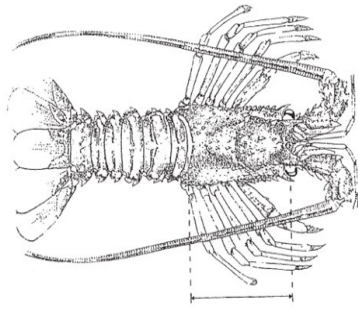


Figure 22 — Crawfish

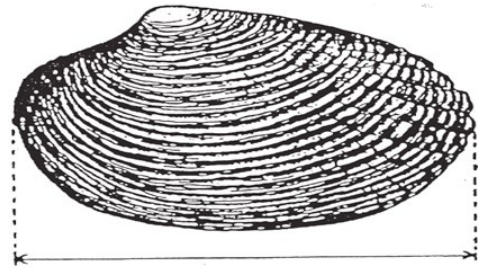


Figure 23 — Bivalve mollusc

- **Potential difficulties**

There are strong markets in some regions for certain species below the minimum size, for example sole, hake, lobster and king scallops. Inspectors should be aware of these regional market conditions when inspecting the catches of vessels landing to these markets. Checks should be made for undersized catch overstowed with larger fish or undersized catch hidden in other spaces or behind ice, etc.

(c) **Minimum weight** ⁽²⁰⁹⁾

- For some species, for example bluefin tuna, swordfish and blue marlin (*Makaira nigricans*), minimum lengths and minimum weights of individual fish retained are established.
- For anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) ⁽²¹⁰⁾, Member States may opt to apply minimum sizes by weight. These are 110 and 55 specimens per kg respectively. Inspectors should take a sample of at least 1 kg and count the number of specimens (N) and note the weight of the sample in kg (W). This figure should then be divided by the weight of the sample to arrive at the number of specimens per kg.

(d) **Discards**

For further details on discards, please refer to Section 5.2.

- **Discard plans and MCRS**

Discard plans may contain changes to the MCRS as in the discard plan for certain pelagic fisheries in south-western waters for anchovy (*Engraulis encrasicolus*) of 9 cm caught in ICES subarea IX and CECAF 34.1.2; and as in the Baltic Sea discard plan which establishes a MCRS for cod (*Gadus morhua*) of 35 cm.

- **Potential difficulties in detecting discarding**

- Discarding can take place at any time, especially through high grading, and can therefore be very difficult to detect, particularly as many forms of discarding are quite legal and indeed are required by the regulations.
- Careful inspection of the grades of species retained can help in identifying instances where high grading may have occurred. For example if the retained catch of cod consists of only one or two grades (sizes) that represent the higher-value grades while the catch from the latest haul contains a wide range of sizes of cod, this suggests high grading has taken place during the voyage. Similarly post-landing analysis of the grades of species landed by individual vessels known to have been fishing in the same area at the same time can highlight differences that may indicate high grading by certain vessels.

⁽²⁰⁹⁾ Article 8 of and Annex IV to Council Regulation (EC) No 520/2007.

⁽²¹⁰⁾ Footnotes (*) and (**) to Annex III to Council Regulation (EC) No 1967/2006.

| | |
|---|-------------|
| Inspect conformity of catch on board | Module 3 |
| Assess the quantities and species retained on board | Section 3.1 |

Annex I: Presentations

| 3-Alpha product presentation code | Presentation | Description |
|-----------------------------------|----------------------------------|--|
| CBF | Cod butterfly (escalado) | HEA with skin on, spine on, tail on |
| CLA | Claws | Claws only |
| DWT | ICCAT code | Gilled, gutted, part of head off, fins off |
| FIL | Filleted | HEA+GUT+TLD+bones off, each fish originates two fillets not joined by any part |
| FIS | Filleted and skinned fillets | FIL+SKI Each fish originates two fillets not joined by any part |
| FSB | Filleted with skin and bones | Filleted with skin and bones |
| FSP | Filleted skinned with pinbone on | Filleted with skin removed and pinbone on |
| GHT | Gutted, headed and tailed | GUH+TLD |
| GUG | Gutted and gilled | Guts and gills removed |
| GUH | Gutted and headed | Guts and head removed |
| GUL | Gutted liver in | GUT without removing liver parts |
| GUS | Gutted, headed and skinned | GUH+SKI |
| GUT | Gutted | All guts removed |
| HEA | Headed | Heads off |
| JAP | Japanese cut | Transversal cut removing all parts from head to belly |
| JAT | Tailed Japanese cut | Japanese cut with tail removed |
| LAP | Lappen | Double fillet, HEA, skin+tails+fins ON |
| LVR | Liver | Liver only. In case of collective presentation use code LVR-C |
| OTH | Other | Any other presentation |
| ROE | Roe(s) | Roe(s) only in case of collective presentation use code ROE-C |
| SAD | Salted dry | Headed with skin on, spine on, tail on and salted directly |
| SAL | Salted wet light | CBF+salted |
| SGH | Salted, gutted and headed | GUH+salted |
| SGT | Salted gutted | GUT+salted |
| SKI | Skinned | Skin off |
| SUR | Surimi | Surimi |
| TAL | Tail | Tails only |
| TLD | Tailed | Tail off |
| TNG | Tongue | Tongue only. In case of collective presentation use code TNG-C |
| TUB | Tube only | Tube only (squid) |
| WHL | Whole | No processing |
| WNG | Wings | Wings only |

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |

Annex II: Example of ullage table (partial)

| ULLAGE METRES | Measure from hatch coaming top forward end | | | | | | | | |
|------------------|--|--------|--------|----------------------|--------|--------|---------------|--------|--------|
| | AFT TANKS | | | FORWARD CENTRE TANKS | | | FORWARD TANKS | | |
| | PORT | CENTRE | STBD | PORT | CENTRE | STBD | PORT | CENTRE | STBD |
| 0.00 | 200.25 | 227.24 | 200.25 | 131.07 | 157.08 | 131.59 | 140.99 | 249.32 | 140.69 |
| 0.10 | 200.25 | 227.34 | 200.25 | 131.07 | 157.08 | 131.59 | 140.76 | 249.32 | 140.49 |
| 0.20 | 199.97 | 227.34 | 199.77 | 131.07 | 157.08 | 131.59 | 140.45 | 248.80 | 140.14 |
| 0.30 | 199.72 | 226.88 | 199.36 | 130.83 | 156.89 | 131.31 | 140.10 | 248.46 | 139.88 |
| 0.40 | 198.58 | 226.30 | 198.38 | 130.59 | 156.65 | 130.96 | 139.74 | 248.07 | 139.55 |
| 0.50 | 196.61 | 224.68 | 196.64 | 130.23 | 156.29 | 130.54 | 139.31 | 247.41 | 139.13 |
| 0.60 | 194.67 | 221.94 | 194.67 | 129.86 | 155.92 | 130.11 | 138.56 | 245.98 | 138.42 |
| 0.70 | 192.67 | 218.80 | 192.70 | 129.46 | 155.55 | 129.69 | 137.54 | 243.87 | 137.47 |
| 0.80 | 190.70 | 215.67 | 190.73 | 129.12 | 155.20 | 129.27 | 136.14 | 240.98 | 136.12 |
| 0.90 | 188.76 | 212.55 | 188.76 | 128.75 | 154.76 | 128.85 | 134.55 | 237.63 | 134.54 |
| 1.00 | 186.75 | 209.42 | 186.79 | 128.33 | 154.30 | 128.35 | 132.85 | 234.04 | 132.84 |
| 1.10 | 184.74 | 206.30 | 184.81 | 127.68 | 153.22 | 127.68 | 131.15 | 230.46 | 131.14 |
| 1.20 | 182.81 | 203.17 | 182.84 | 126.91 | 152.00 | 126.91 | 129.45 | 226.87 | 129.44 |
| 1.30 | 180.84 | 200.04 | 180.87 | 126.14 | 150.77 | 126.14 | 127.75 | 223.28 | 127.74 |
| 1.40 | 178.87 | 196.92 | 178.90 | 125.37 | 149.55 | 125.37 | 126.05 | 219.69 | 126.05 |
| 1.50 | 176.90 | 193.79 | 176.93 | 124.59 | 148.33 | 124.59 | 124.36 | 216.10 | 124.35 |
| 1.60 | 174.93 | 190.67 | 174.96 | 123.82 | 147.10 | 123.82 | 122.66 | 212.51 | 122.65 |
| 1.70 | 172.99 | 187.54 | 172.99 | 123.05 | 145.88 | 123.05 | 120.96 | 208.92 | 120.95 |
| 1.80 | 170.99 | 184.41 | 171.02 | 122.28 | 144.66 | 122.28 | 119.26 | 205.34 | 119.25 |
| 1.90 | 169.02 | 181.29 | 169.05 | 121.51 | 143.38 | 121.51 | 117.56 | 201.75 | 117.55 |

APPENDIX 1: Bibliography

None.

APPENDIX 2: Links and references

- Fishing vessels fact sheet: <http://www.fao.org/fishery/vesseltype/search/en>
- Fishing gear fact sheet: <http://www.fao.org/fishery/geartype/search/en>

APPENDIX 3: Legislation

- Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish.
- Council Regulation (EC) No 850/1998 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish.
- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.
- 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.
- Council Regulation (EC) No 1288/2009 of 27 November 2009 establishing transitional technical measures from 1 January 2010 until 30th June 2011.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.
- Commission Implementing Regulation (EU) 1392/2014 establishing a discard plan for certain small pelagic.
- Commission Implementing Regulation (EU) 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters.
- Commission Implementing Regulation (EU) 1394/2014 establishing a discard plan for certain pelagic fisheries in south-western waters.
- Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009
- Commission Implementing Regulation (EU) 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.

| | |
|---|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.1 | Assess the quantities and species retained on board |
| <ul style="list-style-type: none"> • Commission Implementing Regulation (EU) 1396/2014 establishing a discard plan in the Baltic Sea. • Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, the landing obligation and repealing Council Regulation (EC) No 1434/98. | |

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

Section 3.2 Check conformity of catch on board

Coverage: Regions 2 and 3, Baltic Sea, Mediterranean and Black Sea

Objective(s)

This module, with associated on-the-job training, will enable the trainee to check the conformity of the catch retained on board a fishing vessel during an inspection at sea. The module will assist the trainee to complete points 49 to 56 (catch inspection) of the minimum information required for the completion of inspection reports ⁽²¹¹⁾.

Overview ⁽²¹²⁾

The quantities of most species of marine organisms a vessel can retain on board are regulated by a system of quotas which are set at the European level and managed at the national level. Generally the quantities of each species above 50 kg retained on board must be recorded in a logbook (electronic or paper) by vessels of 10 m overall length or more (without prejudice to any specific provisions contained in any multiannual plans or national requirements). An inspector must be able to accurately check the conformity of the catch retained on board as part of the inspection process.

Entry requirements

The trainee should be able to assess the quantities and species of marine organisms retained on board fishing vessels in the national inspectorate's normal operating area. In addition, the trainee should be familiar with the operation of the vessel monitoring system (VMS) and electronic recording system (ERS).

⁽²¹¹⁾ Article 115 and points 49 to 56 of Module 1 and Annex XXVII of Commission Implementing Regulation (EU) No 404/2011.

⁽²¹²⁾ Article 14 of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

Chapter 3.2.1 — Compare assessed quantities and species retained on board with the information recorded by the master

Part A. Introduction

This chapter covers the proportions of marine organisms that may be retained on board depending on the technical characteristics of the gear. In this chapter, unless otherwise specified, when weight is mentioned it refers to live weight.

Part B. Concepts and definitions

All regions

(a) Minimum mesh size

The minimum mesh size for a towed or fixed net is based on scientific advice on what mesh size would allow the capture of most adult fish but allow most juvenile fish to pass through the mesh and escape. As fish species are of different sizes, there is a theoretical optimum minimum mesh size for each species. Many areas have fisheries of mixed species so rules identify different groups of target species that may be taken with a given range of mesh sizes, coupled with restrictions on the by-catches of non-target species.

(b) Target species and by-catches ⁽²¹³⁾⁽²¹⁴⁾⁽²¹⁵⁾⁽²¹⁶⁾

The target species are those the vessel is directed to take depending on the fishing ground and the fishing method in use. By-catches are the other species, some of which will be desirable and some of which will be restricted to a certain percentage depending on the fishing method, fishing area and the applicable Union provisions. Inspectors should be aware that some Member States have national measures controlling target species and construction of nets and other fishing equipment that are more stringent than the controls described in this chapter.

(c) Catch composition

Catch composition is the combination of target species and by-catches retained on board the fishing vessel, each expressed as a percentage of the overall catch in live weight.

(d) Margin of tolerance ⁽²¹⁷⁾

The estimated quantities of each species, in kg live weight, retained on board the fishing vessel should be entered in the fishing logbook. The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kg of fish retained on board is 10 % for all species expressed as a percentage of the fishing logbook figures. This applies to both over- and under-recording.

(e) Shark fins

It is prohibited to retain on board shark fins which have been removed from the animal ⁽²¹⁸⁾. The carcasses of the sharks must be retained on board after processing, which may include gutting, heading and skinning. The inspector should ensure that the weight of the fins on board does not exceed the theoretical weight of fins corresponding to the weight of the carcasses retained on board. The conversion factor from carcass weight to fin weight will be provided by the Member State and will depend on the type of processing which has been carried out.

⁽²¹³⁾ Article 5 of and Annex I to XI of Council Regulation (EC) No 850/98.

⁽²¹⁴⁾ Article 4(6) of Commission Regulation (EC) No 2056/2001.

⁽²¹⁵⁾ Article 3 of Council Regulation (EC) 2187/2005.

⁽²¹⁶⁾ Article 20 of Council Regulation (EC) No 1967/2006.

⁽²¹⁷⁾ Article 14(2) and (3) of Council Regulation (EC) No 1224/2009.

⁽²¹⁸⁾ Article 3(1) of Council Regulation (EC) No 1185/2003.

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

(f) **Protected species** ⁽²¹⁹⁾

The deliberate catching, retention on board, transshipment or landing of marine species referred to in the relevant directive is prohibited except when a derogation has been granted. However the retention on board of marine species referred to which have been incidentally caught is authorised as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned have been duly informed in advance.

(g) **Driftnets** ⁽²²⁰⁾

Driftnets should not be used to catch the following species: albacore (*Thunnus alalunga*), bluefin tuna (*Thunnus thynnus*), bigeye tuna (*Thunnus obesus*), skipjack (*Katsuwonus pelamis*), Atlantic bonito (*Sarda sarda*), yellowfin tuna (*Thunnus albacares*), blackfin tuna (*Thunnus atlanticus*), little tuna (*Euthynnus spp.*), southern bluefin tuna (*Thunnus maccoyii*), frigate tuna (*Auxis spp.*), oceanic sea bream (*Brama rayi*), marlins (*Tetrapturus spp.*; *Makaira spp.*), sailfish (*Istiophorus spp.*), swordfish (*Xiphias gladius*), sauries (*Scomberesox spp.*; *Cololabis spp.*), dolphinfishes (*Coryphoena spp.*), sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*) and cephalopods (all species).

Baltic Sea

(a) **Use of dredges**

During any fishing voyage when dredges are carried on board, the retention on board and the landing of any quantity of living aquatic resources is prohibited unless at least 85 % of the live weight thereof consists of molluscs and/or clawed fork weed (*Furcellaria lumbricalis*).

Region 2 and 3

(a) **Mesh size ranges** ⁽²²¹⁾

Regulations group nets into mesh size ranges. A group of target species is associated with each mesh size range. The regulation allows an unrestricted by-catch of species in the same group for a given mesh size range or of species with a smaller mesh size range but restricts the by-catch of other species.

Similar rules govern the catch composition permitted when fishing with fixed gears.

(b) **Multiple gears**

There is a general prohibition on using a combination of nets from more than one mesh size range during a fishing voyage ⁽²²²⁾. However, while regionally defined combinations are allowed in certain circumstances ⁽²²³⁾, only one mesh range combination may be used during a single fishing trip. Nets of other mesh ranges may be carried on board during a fishing voyage but they must be lashed and stowed so as not to be available for immediate use ⁽²²⁴⁾.

⁽²¹⁹⁾ Annex IV to Council Directive 92/43/EEC.

⁽²²⁰⁾ Article 11 to Council Regulation (EC) No 894/97.

⁽²²¹⁾ Articles 4(1) and 11 of Council Regulation (EC) No 850/98.

⁽²²²⁾ Article 4(2)(a) of Council Regulation (EC) No 850/98.

⁽²²³⁾ Article 4(4)(a) of Council Regulation (EC) No 850/98.

⁽²²⁴⁾ Article 47 of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

Mediterranean Sea

(a) Bottom-set gill nets ⁽²²⁵⁾

Bottom-set nets should not be used to catch the following species: albacore (*Thunnus alalunga*), bluefin tuna (*Thunnus thynnus*), swordfish (*Xiphias gladius*), Ray's bream (*Brama brama*) and sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae* and *Lamnidae*).

By way of derogation, accidental by-catches of no more than three specimens of the shark species referred to in the first subparagraph above may be retained on board or landed provided that they are not protected species under Union law.

The catching, keeping on board, transshipping, landing, storing, selling and displaying or offering for sale of date shell (*Lithophaga lithophaga*) and common piddock (*Pholas dactylus*) is prohibited.

The catching, keeping on board, transshipping, landing, storing, selling and displaying or offering for sale of berried female crawfish (*Palinuridae* spp.) and berried female lobster (*Homarus gammarus*) is prohibited. Berried female crawfish and berried female lobster must be returned to the sea immediately after accidental catching or may be used for direct restocking and transplantation.

(b) Minimum mesh size ⁽²²⁶⁾

For trawl nets targeting sardine and anchovy, where these species account for at least 80 % of the catch in live weight after sorting, the minimum mesh size shall be 20 mm. For bottom-set gillnets targeting red sea bream (*Pagellus bogaraveo*), where this species accounts for at least 20 % of the catch in live weight, the minimum mesh size shall be 100 mm.

(c) Minimum hook size ⁽²²⁷⁾

The use for fishing and the keeping on board of any long lines with hooks of a total length of less than 3.95 cm and of a width of less than 1.65 cm shall be prohibited for any fishing vessel using long lines and landing or having on board a quantity of red sea bream that constitutes more than 20 % of the catch in live weight after sorting.

Region 9

Turbot shall only be retained on board by vessels authorised to fish with bottom-set gillnets.

Part C. Data and information sources

- Fishing logbook, verified with VMS and catch and gear assessment
- Fish room plans
- Stowage plans
- Inspection report

⁽²²⁵⁾ Article 8 of Council Regulation (EC) No 1967/2006.

⁽²²⁶⁾ Article 9 of Council Regulation (EC) No 1967/2006.

⁽²²⁷⁾ Article 10 of Council Regulation (EC) No 1967/2006.

⁽²²⁸⁾ Articles 1 (8), 2(3) and 3(4) of Regulation No 2015/812.

Part D. Methodology

General

Where applicable, the EU catch composition rules are to be implemented according to the landing obligation and the subsequent discard ban. Species that are subject to the landing obligation and are caught in excess of the catch composition rules, shall be landed and counted against quota. Species not subject to the landing obligation that are caught in excess of permitted percentages established by the catch composition rules, shall not be landed and must be returned immediately to the sea. ⁽²²⁸⁾

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

(a) Check margin of tolerance

- Using the fishing logbook, calculate the total live weight of the catch by species reported by the master and retained on board.
- Using the inspection report, calculate the assessed live weight of the catch retained on board by species as ascertained by the inspectors.
- Compare the reported weights with the assessed weight per species. The reported weight per species should vary from the reported weight by less than 10 % of the reported weight (see Table 7). The reference figure for the calculation is the reported weight in the logbook.

In order to check conformity with the margin of tolerance, the difference in percentage between the estimated logbook weight and the actual weight kept on board has to be calculated. This can be done using the following formula:

$$A/B \times 100 - 100 = \% \text{ difference (ignore + or -)}$$

Where A = established weight and B = estimated logbook weight

Table 7 — Examples of checking margins of tolerance

| Logbook weight | Permitted tolerance | Actual weight | Difference | % |
|---|---------------------|---------------|-----------------|--------|
| Cod (<i>Gadus morhua</i>) 2 500 kg | 250 kg | 2 650 kg | + 150 kg OK | 6 % |
| Saithe (<i>Pollachius virens</i>) 4 500 kg | 450 kg | 5 750 kg | + 1 250 kg Fail | 27 % |
| Plaice (<i>Pleuronectes platessa</i>) 250 kg | 25 kg | 270 kg | +20 kg OK | 8 % |
| Whiting (<i>Merlangius merlangus</i>) 750 kg | 75kg | 350 kg | - 400 kg Fail | 53.3 % |

(b) Check catch composition

- Using the inspection report, identify the area of fishing operations.
- Using the inspection report, confirm target species as recorded in the fishing logbook. If necessary ask the master of the vessel to confirm his target species.
- Using the inspection report, identify the results of fish hold inspection and confirmation of catch species and weights as recorded in the fishing logbook.
- Compare the catch composition taken from the logbook and physical assessment of the catch retained on board with the observed fishing gear in use:
 - Where more than one gear or mesh size range has been deployed, use the catch information in the logbook to calculate the catch composition for gear type or net used during the fishing voyage.
 - Apply any additional catch composition requirements dictated by any applicable long-term recovery plans. Inspectors should be aware of the complications arising from reading across different regulations when ascertaining the full catch composition requirements appertaining to a particular fishing voyage in a particular region.

(c) Identify catch retained on board

- From the inspection report, identify the results of fish hold inspection.
- Confirm that the species and weights agree with the catch recorded in the fishing logbook.

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

(d) Identify gear used

- From the inspection report, identify the fishing gear or the mesh range in use as recorded in the fishing logbook. If more than one fishing gear type or mesh range has been used during the fishing voyage, confirm the master has used separate entries in the fishing logbook.
- From the inspection report, check net inspection results and confirm the conformity of gear in use, including any net attachments.
- From the inspection report, identify whether other fishing gear types or mesh ranges are carried on board.
- Undertake inspection of any other gear carried on board and check that gear is lashed and stowed in accordance with the regulations applicable in the area.
 - Checking compliance with this requirement can be challenging. Many vessels fishing with trawls use powered net drums to operate and stow each net, making it an easy matter to circumvent these stowage requirements.
 - Despite such difficulties, inspectors should at least carefully examine any signs that the net has been recently used, such as the net material being wet or damp and fresh fish or seaweed or other such matter in the mesh of the net. If possible also test the net drum motor for heat, another sign of recent use.
- Cross-check permitted gear types and mesh size and/or ranges with the ones used on board.
- Cross-check permitted catch compositions with gear type, mesh size and/or ranges used on board.

(e) Identify what catch is apportioned to what gear

- In practice it is difficult to confirm what catch is apportioned to what gear as there is no requirement to stow the catches separately (apart from the separate stowage requirements for multiannual recovery stocks). However this remains a worthwhile check, particularly when combined with net inspections. For example, a vessel claims to have been fishing with two mesh ranges during the same voyage and all the cod caught during the trip so far is recorded in the logbook against the larger 120 mm net. However examination of the nets shows the 120 mm net to be completely dry and clean, suggesting that only the smaller mesh net has been used during the voyage. While evidence of this type may not be sufficiently strong on its own to instigate any proceedings, it helps the inspector build a picture of the situation on board the vessel and conduct the depth of the inspection accordingly. The inspector may request the master to identify which catch was taken with which gear.

(f) Calculate actual catch composition

- The weight of each species assessed by the inspector should be calculated as a percentage of the total catch. This can also be done on the basis of a representative sample. Note that it is not the weight in the logbook that is the reference for this calculation, but the weight assessed by the inspector.
- In certain vessels, the large size of the catch and restricted access to the hold may make it very difficult to accurately assess the weight of each species in the hold. If however there is a strong indication to believe an infringement has taken place, the only way to accurately determine unambiguously the catch retained on board is to discharge the catch in port and weigh the individual species.

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

- If nets from more than one mesh range have been used during the voyage, it may be necessary to carry out the calculations for both mesh ranges.

Baltic, Identify permitted catch compositions

(a) General conditions ⁽²²⁹⁾

- The minimum percentage of the target species among the living aquatic resources retained on board for each geographic subdivision and each range of mesh size is set out in the tables.
- For each fishing voyage, landings are prohibited whenever the catch taken in the subdivisions and retained on board does not comply with the corresponding conditions.
- The percentages of target species should be calculated as the proportion by live weight of all species listed in the appropriate table which are retained on board after sorting.
- The percentage of target species and of other species should be obtained by aggregating all quantities of target species and of other listed species retained on board.
- The quantities of listed species that have been transhipped from a fishing vessel should be taken into account when calculating the percentages of target species for that vessel.
- The percentages of target species may be calculated on the basis of one or more representative samples. For determining the target species when fishing with small-meshed nets, the sampling of catches shall be done in accordance with the relevant legislation ⁽²³⁰⁾.
- Quantities of species subject to the landing obligation and which are below the applicable MCRS for the area concerned must be retained on board and landed. Other living aquatic resources caught in excess of permitted percentages specified in the tables may not be landed but should be returned to the sea before each landing. However, whenever during a fishing voyage a vessel leaves any of the groups of subdivisions listed, the minimum percentage of target species caught and retained on board from that geographical area must be met within 2 hours.
- The retention on board of eel caught with any active gear is prohibited throughout the year.
- Due regard must be made for any further catch composition restrictions established by multiannual recovery plans (see Chapter 3.2.5).
- Due regard must be made for any restrictions on fishing for specific species in certain areas, including seasonal closures (see Chapter 3.2.4).

(b) Use of the catch composition tables

Towed gear

- The catch composition table for towed gears is laid out with the target species listed vertically on the left-hand side and the mesh ranges horizontally on the top of the table. Groups of subdivisions are listed below the mesh ranges to indicate the mesh range applicable to each group of subdivisions and the minimum percentage of target species is listed below the subdivisions. Permitted species are marked with a * at the intersection of species and mesh range columns.
- The range of permitted catch compositions increases to the right of the table as the mesh size ranges increase.

⁽²²⁹⁾ Articles 3 and 4 of Council Regulation (EC) No 2187/2005.

⁽²³⁰⁾ Article 1 of Commission Regulation (EC) No 954/87.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

- A number of footnotes place additional conditions on the catch compositions and must be carefully observed.
- Identify from the fishing logbook the type of gear in use, the subdivisions where fishing operations have taken place, the catch retained on board, the catch composition and any species subject to a multiannual recovery plan.
- Using this information, check the permitted catch composition as stipulated in the table. Take care to observe any footnotes.
- If any species subject to a multiannual recovery plan are in the catch, check any additional catch composition requirements established by the plan.

Fixed gear

- The catch composition table for fixed gears is similar in layout to the towed gear table and is used in the same manner. Again, careful observation of the footnotes is advised.

(c) **Examples of checking catch compositions against the appropriate table**

Table 8 — Trawler operating with mesh size 90 mm in Baltic Subdivision 23

| Species | Live weight | % live weight | Remarks | Reference |
|--|----------------|---------------|---------------------------------|--------------------------------------|
| Plaice (<i>Pleuronectes platessa</i>) | 1 500 kg | 86 % | Fail, < 90 % target species | Regulation (EC) No 2187/05, Annex II |
| Cod (<i>Gadus morhua</i>) | 250 kg | 14 % | Fail, > 10 % non target species | Regulation (EC) No 2187/05, Annex II |
| Total | 1750 kg | | | |

In this example the region is Baltic Subdivision 23, the vessel is using towed gear, mesh size is 90 mm and the target species is plaice. The appropriate catch composition table is identified in the 'reference' column of the example table. Read down the mesh size range for Subdivisions 22 and 23 until it intersects with plaice in the list of species on the left-hand side of the table. The minimum percentage of target species (90 %) is stipulated in the column immediately below the mesh size range. Note that cod is not a permitted target species for this mesh size. The catch composition fails on two counts, namely the target species comprises less than 90 % of the catch and conversely the non-target species comprises more than 10 % of the catch. There are no relevant footnotes.

Table 9 — Trawler operating with mesh size 105 mm in Baltic Subdivision 23 fitted with a Bacoma escape window or a T90 trawl

| Species | Live weight | % live weight | Remarks | Reference |
|--|----------------|---------------|---------|--------------------------------------|
| Whiting (<i>Merlangius merlangus</i>) | 1 500 kg | 86 % | OK | Regulation (EC) No 2187/05, Annex II |
| Cod (<i>Gadus morhua</i>) | 250 kg | 14 % | OK | Regulation (EC) No 2187/05, Annex II |
| Total | 1750 kg | | | |

In this example the region is Baltic Subdivision 23, the vessel is using towed gear, mesh size is 105 mm and the target species is whiting. The appropriate catch composition table is identified in the 'reference' column of the example table. Read down the mesh size range for Subdivisions 22–32 until it intersects with whiting in the list of species on the left-hand side of the table. The minimum percentage of target species (100 %) is stipulated in the column

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

immediately below the mesh size range; note that cod is a permitted target species for this mesh size. There are no relevant footnotes.

Table 10 — Trawler operating with mesh size ≥ 16 mm and ≤ 32 mm in Baltic Subdivision 22

| Species | Live weight | % live weight | Remarks | Reference |
|---------------------------------------|----------------|---------------|-----------------|--|
| Sprat (<i>Sprattus sprattus</i>) | 3 500 kg | 91 % | OK, > 90 % | Regulation (EC) No 2187/05, Annex II |
| Cod (<i>Gadus morhua</i>) | 350 kg | 9 % | Fail, > 3 % cod | Regulation (EC) No 2187/05, Annex II, footnote 1 |
| Total | 3850 kg | | | |

In this example the region is Baltic Subdivision 22, the vessel is using towed gear, mesh size is between 16 and 32 mm and the target species is sprat. The appropriate catch composition table is identified in the 'reference' column of the example table. Read down the mesh size range ≥ 16 mm and ≤ 32 mm for Subdivisions 22–32 until it intersects with sprat in the list of species on the left-hand side of the table. The minimum percentage of target species (90 %) is stipulated in the column immediately below the mesh size range. Footnote 1 stipulates a maximum of 3 % cod; therefore this catch composition fails as it contains more than 3 % cod.

Regions 2 and 3, Identify permitted catch compositions

(a) General conditions ⁽²³¹⁾

- The percentages of catch retained on board after sorting or on landing should be calculated as the proportion by live weight of all marine organisms on board.
- When calculating the percentages for a fishing vessel from which quantities of marine organisms have been transhipped, these quantities should be taken into account.
- Masters of fishing vessels who do not complete a logbook should not tranship marine organisms to any other vessel, or receive transshipments of marine organisms from any other vessel.
- The percentages may be calculated on the basis of one or more representative samples.
- Due regard must be taken for any further catch composition restrictions established by multiannual recovery plans (see Chapter 3.2.5) or additional technical recovery measures ⁽²³²⁾.
- Due regard must be taken for any restrictions on fishing for specific species in certain areas, including seasonal closures and real time closures (see Chapter 3.2.4). For example, there are extensive areas where the catching of herring and sprat is not permitted at certain times of the year; however, vessels may retain on board quantities of herring or sprat from any of the areas described, provided they do not exceed 5 % of the total live weight of the marine organisms on board which have been caught in each separate area during one of the periods specified.
- Dredges are exempted from the catch composition requirements, provided that the quantities of marine organisms retained on board and caught with these nets, other than bivalve molluscs, do not exceed 5 % of the total weight of the marine organisms on board.
- Edible crabs may only be retained on board whole and may only be landed whole. However for catches made by pots or creels a maximum of 1 % by weight of the total catch of edible crabs or parts thereof retained on board or landed may consist of

⁽²³¹⁾ Article 5 of Council Regulation (EC) No 850/98.

⁽²³²⁾ Commission Regulation (EC) No 2056/2001.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

detached claws. Similarly for catches made by any other gear apart from pots and creels a maximum of 75 kg may consist of crab claws ⁽²³³⁾.

(b) Use of the catch composition tables

Towed gear

- The catch composition tables are laid out with the target species listed vertically on the left-hand side and the mesh ranges horizontally on the top of the table. Permitted species are marked with an X at the intersection of species and mesh range columns.
- The range of permitted catch compositions increases to the right of the table as the mesh size ranges increase.
- Species not listed fall under the category of 'all other marine organisms' at the bottom of the species list.
- Each mesh range may include options for the catch composition: these are defined in the appropriate numbered footnote.
- Additional conditions are placed on catch combinations where nets of more than one mesh range have been used during the fishing voyage ⁽²³⁴⁾⁽²³⁵⁾⁽²³⁶⁾.
- Identify from the fishing logbook the type of gear in use, the area of operations, the catch retained on board, the catch composition and any species subject to a multiannual recovery plan.
- Using the appropriate table for the region and type of gear, ascertain the permitted catch composition for that region and type of gear. Observe any additional requirements contained in any footnotes.
- If any species subject to a multiannual recovery plan are in the catch, check any additional catch composition requirements established by the plan.

Fixed gear

- The catch combination tables for fixed gear are similar in layout but the percentage of target species is fixed at 70 % ⁽²³⁷⁾. Again, careful observation of the footnotes is advisable.

(c) Examples of checking catch compositions against the appropriate table

Table 11 — Twin-rig trawler, 80–99 mm, ICES Subarea IV ⁽²³⁸⁾

| Species | Live weight | % live weight | Remarks | Reference |
|--|----------------|---------------|--------------------|---|
| Norway lobster (<i>Nephrops norvegicus</i>) | 500 kg | 33 % | OK > 30 % nephrops | Regulation (EC) No 850/98, Annex 1 |
| Cod (<i>Gadus morhua</i>) | 400 kg | 27 % | Fail > 20 % cod | Regulation (EC) No 2056/2001, Article 4.6 |
| Haddock (<i>Melanogrammus aeglefinus</i>) | 400 kg | n/a | n/a | |
| Saithe (<i>Pollachius virens</i>) | 300 kg | n/a | n/a | |
| Total | 1500 kg | | | |

⁽²³³⁾ Article 18 (4)(a) and (b) of Council Regulation (EC) No 850/98.

⁽²³⁴⁾ Article 4 of and Annexes X and XI to Council Regulation (EC) 850/98.

⁽²³⁵⁾ Article 3 of Council Regulation (EC) No 2187/2005.

⁽²³⁶⁾ Article 9 of Council Regulation (EC) No 1967/2006.

⁽²³⁷⁾ Article 11 of Council Regulation (EC) No 850/98.

⁽²³⁸⁾ Annex 1 to Council Regulation (EC) No 850/98.

In this example the region is 2, the vessel is using towed gear, the mesh size range is 80–99 mm and the target species is Norway lobster. The appropriate catch composition table is identified in the 'reference' column of the example table. Read down the mesh size range until it intersects with Norway lobster in the list of species on the left-hand side of the table (second page of the table). The minimum percentage of target species (30 %) is stipulated in the column immediately below the mesh size range. Now identify any species in the catch

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

subject to other restrictions in the tables or subject to long-term recovery plans or SCIPs, in this case cod, since the maximum percentage of cod permitted is 20 %. (For cod recovery, see Chapter 3.2.5, Part D(a).)

Table 12 — Industrial trawler, 16–31 mm, Region 2 ⁽²³⁹⁾

| Species | Live weight | % live weight | Remarks | Reference |
|--|------------------|---------------|---|---|
| Sprat (<i>Sprattus sprattus</i>) | 60 000 kg | 83.6 % | OK > 60 % | Regulation (EC) No 850/98, Annex 1 |
| Cod (<i>Gadus morhua</i>) | 1 200 kg | 1.7 % | Fail, total of cod + haddock + saithe > 5 % | Regulation (EC) No 850/98, Footnote 3 |
| Haddock (<i>Melanogrammus aeglefinus</i>) | 4 000 kg | 5.6 % | | |
| Saithe (<i>Pollachius virens</i>) | 1 500 kg | 2.1 % | | |
| Herring (<i>Clupea harengus</i>) | 5 000 kg | 7.0 % | OK < 20 % | Regulation (EC) No 1434/98, Article 2.1 |
| Total | 71 700 kg | | | |

In this example, the region is 2, the vessel is using towed gear, the mesh size range is 16–31 mm and the target species is sprat. The appropriate catch composition table is identified in the 'reference' column of the example table. Read down the mesh size range until it intersects with sprat in the list of species on the left-hand side of the table. The minimum percentage of target species (60 %) is stipulated in the column immediately below the mesh size range. Now identify any species in the catch subject to other restrictions in the tables or subject to long-term recovery plans or SCIPs. In this case the total of cod, haddock and saithe exceeds the permitted percentage of 5 %. Note that for the species marked with Ø only 15 % is allowed.

Table 13 — Gill netter operating with mesh size less than 40 mm, Region 3 ⁽²⁴⁰⁾

| Species | Live weight | % live weight | Remarks | Reference |
|---|----------------|---------------|-----------------------------|--|
| Shrimps (<i>Palaemon spp.</i>) | 750 kg | 50 % | Fail, < 70 % target species | Regulation (EC) No 850/98, Article 11 and Annex VII |
| Sea bass (<i>Dicentrarchus labrax</i>) | 300 kg | 20 % | | |
| Whiting (<i>Merlangius merlangus</i>) | 375 kg | 25 % | | |
| Pollack (<i>Pollachius pollachius</i>) | 75 kg | 5 % | | |
| Total | 1500 kg | | | |

In this example the region is 3, the vessel is operating with fixed gear mesh size of less than 40 mm and the target species is shrimps. The appropriate catch composition table is identified in the 'reference' column of the example table. Read down the mesh size range until it intersects with shrimp in the list of species on the left-hand side of the table. The minimum percentage of target species (70 %) is stipulated in Article 11 of the relevant regulation. Now identify any species in the catch subject to other restriction in the tables or subject to long-term recovery plans or SCIPs, which is not the case in this example.

⁽²³⁹⁾ Annex 1 to Council Regulation (EC) No 850/98.

⁽²⁴⁰⁾ Annex VII to Council Regulation (EC) No 850/98.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

Mediterranean Sea and Black Sea catch compositions

(a) Sardine and anchovy

- If a vessel targets sardine and/or anchovy with a trawl net of minimum mesh size of 20 mm, then the catch must consist of at least 80 % sardine and/or anchovy ⁽²⁴¹⁾. This is a derogation to use a trawl of less than 40 mm square or 50 mm diamond mesh to target sardine and/or anchovy.

Table 14 — EU trawler/s using minimum mesh size of 20 mm in the Mediterranean Sea

| Species | Live weight | % live weight | Remarks | Reference |
|--|----------------|---------------|---|--|
| Grey mullet (<i>Mugil Cephalus</i>) | 500 kg | 25 % | | |
| Anchovy (<i>Engraulis Encrasicolus</i>) | 1 500 kg | 75 % | Fail, minimum 80 % of sardine and anchovy | Regulation (EC) No 1967/2006, Art. 9.4 |
| Total | 2000 kg | 100 % | | |

(b) Red sea bream

- If a vessel targets red sea bream with bottom-set gillnets and the red sea bream account for at least 20 % of the catch, then the minimum mesh size used must be 100 mm ⁽²⁴²⁾. This is to prevent red sea bream from being targeted by small-mesh nets. In effect, any vessel using bottom-set gillnets in the range 16–99 mm must have less than 20 % of red sea bream in the catch.

Table 15 — EU gillnetter using mesh size of 80 mm in the Mediterranean Sea

| Species | Live weight | % live weight | Remarks | Reference |
|--|---------------|---------------|---------------------------|--|
| Grey mullet (<i>Mugil Cephalus</i>) | 50 kg | 12,25 % | | |
| Red sea bream (<i>Pagellus Bogaraveo</i>) | 150 kg | 36,75 % | Fail, >20 % Red sea bream | Regulation (EC) No 1967/2006, Article 9.6(b) |
| White sea bream (<i>Diplodus Sargus</i>) | 200 Kg | 50 % | | |
| Total | 400 kg | 100 % | | |

(c) Shellfish

- The use of all towed gears within 3 nautical miles of the coast, or within the 50 metre isobath, is normally prohibited ⁽²⁴³⁾. However, dredges may be used within 3 nautical miles of the coast or within the 50-metre isobath provided that the catch on board does not contain more than 10 % of species other than shellfish. The purpose of this is to prevent the taking of significant quantities of fish with dredges in inshore waters.

⁽²⁴¹⁾ Article 9(4) of Council Regulation (EC) No 1967/2006.

⁽²⁴²⁾ Article 9(6)(b) of Council Regulation (EC) No 1967/2006.

⁽²⁴³⁾ Article 13 of Council Regulation (EC) No 1967/2006.

Chapter 3.2.2 — Check stowage requirements

Part A. Introduction

In a mixed fishery multiple species may be retained during a typical fishing voyage. The assessment of catch on board is very difficult during an inspection at sea if different species are mixed in the boxes, containers or compartments of the hold. Demersal species subject to a catch recovery plan must be stowed separately from other species ⁽²⁴⁴⁾ in such a way that they are identifiable from other boxes and in accordance with a stowage plan.

Part B. Concepts and definitions

(a) Stowage plan ⁽²⁴⁵⁾

A stowage plan is a document that describes the location of the different species in the hold by EU vessels of 12 m overall length or more when fishing for demersal species subject to a multiannual plan.

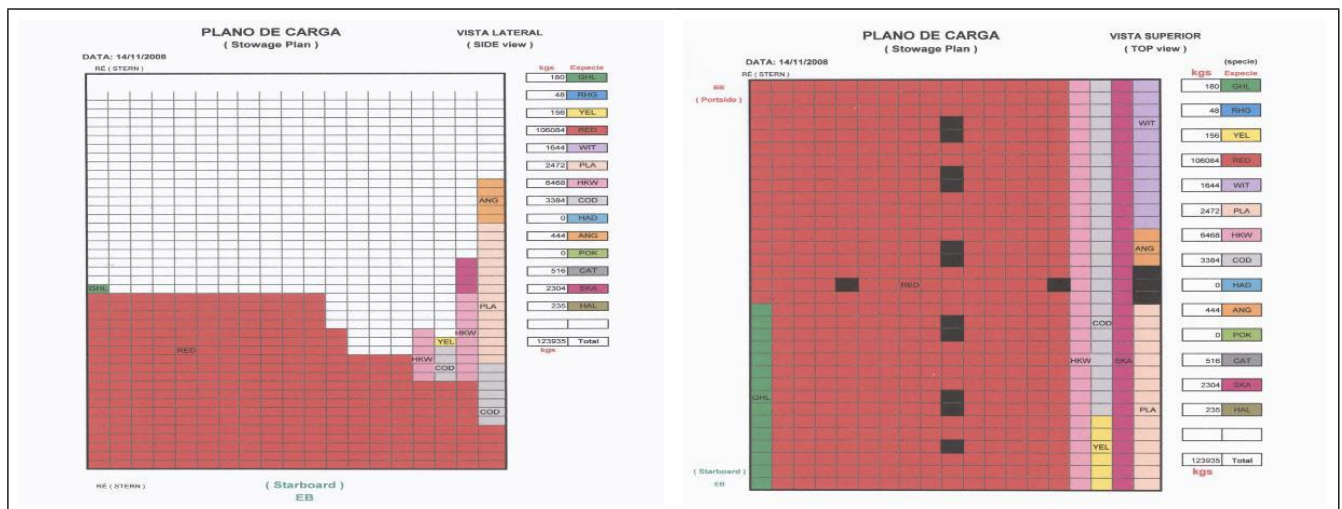


Figure 24 — Example of a stowage plan

There is no standard EU format for the stowage plan but it should be sufficiently clear for the inspector to be able to use it to find the different species in the hold. For example, a drawing showing a plan view of the hold and the names of the species will be sufficient. For larger holds, where the species may be different at different levels, there will need to be an indication of the vertical location of the fish.

The inspector uses the stowage plan to locate, identify and assess the catch on board.

(b) Separate stowage ⁽²⁴⁶⁾

Separate stowage is a practice on board a vessel to stow species from marine organisms from other species or different MCRS in such a way they are clearly identifiable. ⁽²⁴⁷⁾⁽²⁴⁸⁾

Part C. Data and information sources

- Fishing logbook
- Inspection report
- Stowage plan
- Fish room certificate (vessels of 17 m overall length and over) ⁽²⁴⁹⁾.
- Production logbook

⁽²⁴⁴⁾ Article 44(1) of Council Regulation (EC) No 1224/2009.

⁽²⁴⁵⁾ Article 44(2) of Council Regulation (EC) No 1224/2009.

⁽²⁴⁶⁾ Article 44 (1) of Council Regulation (EC) No 1224/2009.

⁽²⁴⁷⁾ Article 44(1) of Council Regulation (EC) No 1224/2009.

⁽²⁴⁸⁾ Article 49a of Regulation (EC) No 1224/2009.

⁽²⁴⁹⁾ Article 7 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

Part D. Methodology

All regions

It is good practice for inspectors to carefully observe the activity and the characteristics of the fishing vessel prior to the inspection as this provides valuable information regarding the likely target species and stowage methods employed on that individual vessel. Two fundamental processes should be followed by inspectors when identifying stowed marine organism, the first is a careful examination of the logbook and any other relevant documentation, the second is a comprehensive observation and inspection of the retained catch and the stowage spaces.

Inspectors should verify that demersal species subject to a multiannual plan are stowed in such a way they are identifiable and are not mixed with other species. These species must be noted in the stowage plan.

Species subject to the landing obligation that are below the applicable MCRS must be stowed separately from other species ⁽²⁵⁰⁾⁽²⁵¹⁾ above MCRS.

This separate stowage shall not apply when the catches contain more than 80% of small pelagic or industrial species, or when the overall length of the fishing vessel is less than 12 m ⁽²⁵²⁾. These species below MCRS are not intended for direct human consumption.

The verification of separate stowage is achieved by physical examination of the fish in the hold.

- The inspector should confirm the presence of species requiring separate stowage from the logbook and the physical catch assessment.
- Using the stowage plan and the fish room certificate (if available), the inspector should verify the location of these species in the hold, checking other areas in case they are not correctly recorded.
- Verify the species are stowed separately. This means no mixing of species in a box and no mixing of boxes of different species in the same part of the hold.
- On smaller vessels, it may not be possible to completely separate boxes because of a lack of space.
- Fish that is bulk stowed in pounds should not be mixed with other species in the same pound, again taking into account the practical layout of the hold.
- Given that the catch may be so large and access to the hold is severely restricted it may be impossible to accurately assess the weight of each species in the hold. In these cases the only way to accurately assess the catch retained on board is to discharge the catch in port and weigh the individual species.

⁽²⁵⁰⁾ Article 44(1) of Council Regulation (EC) No 1224/2009.

⁽²⁵¹⁾ Article 49a of Council Regulation (EC) No 1224/2009.

⁽²⁵²⁾ Article 49a of Regulation (EC) No 1224/2009.

| | |
|--------------------------------------|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

Chapter 3.2.3 — Check presentation: Labelling

Part A. Introduction

Most regulations including those governing quotas of marine organisms and fishing logbooks are made in terms of the live weight of the marine organism. However, in many situations the marine organisms retained on board fishing vessels are processed or subject to specialised stowage procedures (see Chapter 3.1.1, Part A). During inspections at sea inspectors are required to check the presentation of the retained catch to ensure the correct process has been followed by the master to correctly record the live weight of the catch in the logbook.

A coherent traceability system ensures that all lots of fisheries and aquaculture products are traceable at all stages of production, processing and distribution, from catching or harvesting to the retail stage. Therefore common rules for identification procedures for the product concerned are required.

Part B. Concepts and definitions

(a) **Presentation** ⁽²⁵³⁾

Presentation means the form into which the marine organism is processed while on board the fishing vessel and prior to landing. Individual presentations are identified with a 3-alpha product presentation code ⁽²⁵⁴⁾.

⁽²⁵³⁾ Article 48 of Commission Implementing Regulation (EU) No 404/2011.

(b) **Collective presentation** ⁽²⁵⁵⁾

Collective presentation means a presentation consisting of two or more parts extracted from the same fish. In the case of collective presentations, only one conversion factor corresponding to one of the parts of a fish should be used to calculate the live weight entered in the logbook ⁽²⁵⁶⁾.

⁽²⁵⁴⁾ Annex I to Commission Implementing Regulation (EU) No 404/2011.

⁽²⁵⁵⁾ Article 48 of Commission Implementing Regulation (EU) No 404/2011.

(c) **Product presentation** ⁽²⁵⁷⁾

Product presentation means a description of the processed state of the fisheries product or part thereof including the state of processing in accordance with the codes and descriptions.

⁽²⁵⁶⁾ Article 50 of Commission Implementing Regulation (EU) No 404/2011.

(d) **State of processing** ⁽²⁵⁸⁾

State of processing means the way the fish is preserved (fresh, fresh salted, frozen, etc.). It is identified with a 3-alpha state of processing code ⁽²⁵⁹⁾.

⁽²⁵⁷⁾ Article 2 of Commission Implementing Regulation (EU) No 404/2011.

(e) **Factory vessel** ⁽²⁶⁰⁾

Factory vessel means any vessel on board which fishery products undergo one or more of the following operations followed by wrapping or packaging and, if necessary, chilling or freezing: filleting, slicing, skinning, shelling, shucking, mincing or processing.

⁽²⁵⁸⁾ Annex I to Commission Implementing Regulation (EU) No 404/2011.

⁽²⁵⁹⁾ Table 2 of Annex I to Commission Implementing Regulation (EU) No 404/2011.

(f) **Freezer vessel** ⁽²⁶¹⁾

Freezer vessel means any vessel where freezing of fishery products is carried out, where appropriate after preparatory work such as bleeding, heading, gutting and removal of fins and, where necessary, followed by wrapping or packaging.

⁽²⁶⁰⁾ Annex I to Council Regulation (EC) No 853/2004.

⁽²⁶¹⁾ Annex I to Council Regulation (EC) No 853/2004.

(g) **List of approved establishments** ⁽²⁶²⁾

Factory vessels and freezer vessels should be recorded in the 'lists of approved establishments' (see link in Appendix 2).

⁽²⁶²⁾ Annex III, Section VIII, to Council Regulation (EC) No 853/2004.

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

(h) **Fishing authorisation** ⁽²⁶³⁾

See Chapter 2.1.3.

(i) **Traceability** ⁽²⁶⁴⁾

In order to establish a comprehensive control regime, the whole chain of fishery production and marketing should be covered by a traceability regime. It should include a coherent traceability system complementing the provisions contained in the regulation. It should also protect the interests of consumers by providing the information concerning the commercial designation, production method and the catch area at each stage of the marketing. ⁽²⁶⁵⁾

(j) **Lot** ⁽²⁶⁶⁾

Lot means a quantity of fisheries and aquaculture products of a given species of the same presentation and coming from the same relevant geographical area and the same fishing vessel, or group of fishing vessels, or the same aquaculture production unit.

(k) **Information labels** ⁽²⁶⁷⁾

Fishery products likely to be placed on the market in the Union should be adequately labelled to ensure the traceability of each lot.

All fisheries and aquaculture products, should have the following information attached to the lot:

- the identification number of each lot;
- the external identification number and name of the fishing vessel;
- the FAO alpha-3 code of each species;
- the date of catches;
- the quantities of each species in kilograms expressed in net weight or, where appropriate, the number of individuals; and, if species with a MCRS are present in these quantities, separate information on the quantities of each species in kilograms expressed in net weight, or the number of individuals;
- the name and address of the suppliers;
- the information to consumers.

The information may be attached in the form of a code, a bar code, electronic chip or other similar device. If the required information is held on some other commercial document, at least the identification number of the lot needs to be attached.

Part C. Data and information sources

- Fishing logbook
- Stowage plan
- Inspection report
- List of approved establishments
- Production logbook

⁽²⁶³⁾ Article 7 of Council Regulation (EC) No 1224/2009.

⁽²⁶⁴⁾ Article 58(1) of Council Regulation (EC) No 1224/2009.

⁽²⁶⁵⁾ Article 35 of Regulation (EU) No 1379/2013.

⁽²⁶⁶⁾ Article 4(20) of Council Regulation (EC) No 1224/2009.

⁽²⁶⁷⁾ Article 58(5) of Council Regulation (EC) No 1224/2009.

Part D. Methodology

All regions

- During the inspection the inspector should:
 - identify the fish retained on board as recorded in the fishing logbook;
 - check fishing licence/authorisation to confirm entitlement to the species retained on board;

| | |
|--------------------------------------|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

- identify the presentation of each species retained on board including a check on any collective presentation; note that any parts of the marine organism retained as part of collective presentation may be stowed elsewhere in the vessel; it is important to ensure that only parts not included in the log book records are stowed here;
- if the inspected vessel is classified as a factory vessel or a freezer vessel, check compliance with the 'list of approved establishments' requirement;
- inspect the retained catch in the place of stowage:
 - for fresh stowage, confirm presentation method;
 - for frozen stowage, confirm presentation and stowage methods;
- identify any species retained on board subject to a multiannual plan using the fishing logbook;
 - verify the location of these species in the hold, using the stowage plan and the fish room certificate (if available), checking other areas in case they are not correctly recorded;
 - visually inspect the catch to confirm the correct label is attached;
 - confirm the accuracy of the information contained on the label by referring to the inspection report.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

Chapter 3.2.4 — Check fishing opportunities

Part A. Introduction

This chapter covers the general rights of access of EU fishing vessels to the waters of other Member States along with access to specific fishing areas and quotas within those waters. In many places, the general rights of access are curbed by additional conservation-based restrictions such as prohibited areas, closed fisheries, marine protected areas and gear restrictions.

Everything in this chapter relates purely to fishing rights and access and nothing impinges on the normal rights of free access to waters afforded to all shipping.

Part B. Concepts and definitions

(a) **Exclusive economic zone (EEZ)**

An exclusive economic zone (EEZ), as defined by the United Nations Convention on the Law of the Sea (UNCLOS) (1982), describes the situation where a coastal state assumes jurisdiction over the exploration and exploitation of marine resources in its adjacent section of the continental shelf, taken to be a band extending 200 miles from the shore. Within this area, nations claim and exercise sovereign rights and exclusive fishery management authority over all fish and all Continental Shelf fishery resources.

(b) **Union waters** ⁽²⁶⁸⁾

Union waters are considered to be the waters under the sovereignty or jurisdiction of the Member States.

(c) **Union fishing zone** ⁽²⁶⁹⁾

The Union fishing zone comprises the waters extending 200 miles from the coastlines of the Member States. Although very similar to EEZs, the defining criteria mean that the limits of the EEZ and the Union fishing zone do not always coincide.

(d) **Territorial seas**

A territorial sea, as defined by UNCLOS (1982), is a belt of coastal waters extending at most 12 nautical miles (22 km) from the baseline (usually the mean low-water mark) of a coastal state. The territorial sea is regarded as the sovereign territory of the state, although foreign ships and fishing vessels are allowed innocent passage through it; this sovereignty also extends to the airspace over and seabed below sea level.

(e) **Access rights to territorial seas by fishing vessels of other Member States** ⁽²⁷⁰⁾

Access rights to parts of territorial seas are established to ensure that historical fishing rights seas which pre-date the creation of territorial seas are recognised and protected where possible while at the same time allowing coastal states the right to establish control of fishing activity within their territorial seas.

Access rights are defined in terms of the vessel nationality, the description of the geographical zone, the distance from the shore, the target species and any special conditions.

(f) **Conservation zones**

A conservation zone may be considered to be an area of the sea where access is restricted or banned to fishing vessels to protect vulnerable fish stocks or habitats from overexploitation.

⁽²⁶⁸⁾ Article 5 of Regulation (EU) No 1380/2013

⁽²⁶⁹⁾ Council Resolution of 3 November 1976.

⁽²⁷⁰⁾ Article 5(2) of Regulation (EU) No 1380/2013

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

(g) **Fishery zones** ⁽²⁷¹⁾⁽²⁷²⁾

A fishery zone is an area of sea usually adjacent to a territorial sea that has been declared to be an area where fishery management measures have been implemented in order to sustain and protect fish stocks. Some countries in the Mediterranean have declared fishery zones adjacent to their territorial waters.

(h) **Statistical divisions — ICES, GFCM and Baltic areas**

In order to provide a correlation between species quotas and catch uptake, masters are required to record the geographical area of capture in the logbook. Each region is divided into a statistical grid unique to it and the designated statistical nomenclature for the grid is used to record the area of capture.

(i) **Marine protected areas (MPAs)**

An MPA is any area of the intertidal or subtidal terrain, together with its overlying water and associated flora, fauna, historical and cultural features, which has been reserved by law or other effective means to protect part or all of the enclosed environment. As a consequence fishing activities within an MPA may be restricted or controlled to some degree. The basis for establishing an MPA may come from fisheries regulations or one of the following:

- In EU waters, the Natura 2000 ⁽²⁷³⁾ ecological network creates a range of protected areas including a wide range of MPAs in the North Atlantic, the Mediterranean Sea and the Baltic Sea. The Member States have to define Natura 2000 areas at sea in their exclusive economic zone. Additionally Member States are required to consider Natura 2000 when establishing and developing fishery management regulations.
- In May 1992, the governments of the European Communities adopted legislation designed to protect the most seriously threatened habitats and species across Europe ⁽²⁷⁴⁾⁽²⁷⁵⁾. This legislation is called the habitats directive and complements the birds directive adopted in 1979. These two directives are the basis of the creation of the Natura 2000 network of protected areas.
- The birds directive requires the establishment of special protection areas (SPAs) for birds. The habitats directive similarly requires special areas of conservation (SACs) to be designated for species other than birds, and for habitats. Together, SPAs and SACs make up the Natura 2000 network of protected areas.

As the number of MPAs increases in Union waters so does the impact on fishing activity and the need for inspectors to consider MPAs when conducting operational risk analyses and during inspections at sea.

(j) **Closed season**

A closed season is a defined time in which fishing is either especially regulated or completely forbidden. These closures are defined for certain areas. The closure can be fixed generally or only for certain species or gear used.

(k) **Member State official websites** ⁽²⁷⁶⁾

Member States are required to maintain a website containing information pertaining to activity, control and management of fishing within their area of jurisdiction. The website should consist of a public area and a secure area. A wide range of information should be made available on the website, for example details of any closed areas, vessel lists and access to quotas.

⁽²⁷¹⁾ FAO fisheries laws and regulations in the Mediterranean.

⁽²⁷²⁾ Commission communication Union action plan for the eradication of illegal, unreported and unregulated fishing (COM(180) 2002 final).

⁽²⁷³⁾ See Natura 2000 link in Appendix 2.

⁽²⁷⁴⁾ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

⁽²⁷⁵⁾ Council Directive 79/409/EEC on the conservation of wild birds.

⁽²⁷⁶⁾ Articles 114 to 116 of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

Part C. Data and information sources

- VMS
- Fishing logbook
- Navigational charts
- Fishing licence
- Fishing authorisation
- Member State official websites

Part D. Methodology

All regions

The following processes can frequently be undertaken on board the inspection vessel (or by the FMC) prior to commencing an inspection or as part of a wider risk analysis. When undertaking analysis inspectors should consider the need to demonstrate that a vessel has been fishing in a particular area of interest and not simply been on innocent passage through the area. Inspectors should routinely use Member State websites to obtain or corroborate operational information.

- Identify areas where vessel has fished during voyage:
 - Review the VMS track for the target vessel since start of the current voyage.
 - Instruct the master of the fishing vessel to update the electronic fishing logbook.
 - Using the national ERS system, access the logbook data for the current voyage, identify the areas fished and the species retained on board from each area.
 - Compare the VMS track for the voyage with the logbook data.
 - Identify any inconsistencies between the VMS positions and the logbook positional data.
 - Identify any inconsistencies between the area fished and the species retained on board.
- Identify access rights to any restricted areas:
 - within territorial waters check access rights;
 - within Union waters check access rights for third country vessels;
 - by checking for relevant conservation zones;
 - by checking for relevant MPAs;
 - by checking for any relevant closed seasons.
- Check fishing rights and access to quotas:
 - Check fishing licence (see handbook Chapter 2.1.2).
 - Check fishing authorisation (see handbook Chapter 2.1.3).
 - Check quota availability for flag Member State ⁽²⁷⁷⁾.

Baltic

The generally close proximity of the Baltic states lying in the western part of the Baltic Sea results in limitations to the extent of territorial seas and EEZs ⁽²⁷⁸⁾.

(a) Closed seasons

- The retention on board of salmon (*Salmo salar*) or sea trout (*Salmo trutta*) is prohibited from 1 June to 15 September in waters of Subdivisions 22 to 31 and from 15 June to 30 September in waters of Subdivision 32. This prohibition excludes fish caught in traps.

⁽²⁷⁷⁾ Council Regulation (EU) No 44/2012.

⁽²⁷⁸⁾ Article 16 of Council Regulation (EC) No 2187/2005.

| | |
|--------------------------------------|-------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

(b) Prohibited areas

- It is prohibited throughout the year to fish with any active gear in the geographical area enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS 84 coordinate system:

| | |
|-------------------------|--------------------------|
| 1. 54° 23' N, 14° 35' E | 6. 54° 14' N, 14° 25' E |
| 2. 54° 21' N, 14° 40' E | 7. 54° 17' N, 14° 17' E |
| 3. 54° 17' N, 14° 33' E | 8. 54° 24' N, 14° 11' E |
| 4. 54° 07' N, 14° 25' E | 9. 54° 27' N, 14° 25' E |
| 5. 54° 10' N, 14° 21' E | 10. 54° 23' N, 14° 35' E |
- In Subdivision 28-1, fishing with trawl is prohibited in waters of less than 20 m in depth.

(c) Special measures in the Gulf of Riga

- In order to fish in Subdivision 28-1, vessels must hold a special fishing permit. Member States shall ensure that vessels, to which the special fishing permit has been issued, are included in a list, containing their name and internal registration number, made publicly available via an Internet website, the address of which must be provided to the European Commission and Member States by each Member State.

Regions 2 and 3

(a) Real-time closures (RTCs) ⁽²⁷⁹⁾

RTCs provide a system that allows catch compositions to be monitored in real time either by inspectors, observers or fishermen. Where a catch is sampled and found to contain quantities of a particular species in excess of a defined percentage (known as the trigger catch level), an area centred on the sample position may be closed for a period of time. Trigger catch levels are usually set to protect juveniles of a particular species from excessively high mortality rates. RTCs may be instigated by a Member State or, in certain circumstances, by the European Commission.

Member States undertaking inspections at sea in the North Sea and Skagerrak ⁽²⁸⁰⁾ should sample catches of cod, haddock, saithe and whiting to monitor the percentages of any juveniles in the catch. Where the percentage of juveniles is found to exceed the trigger level, an RTC should be established by the Member State concerned.

All information regarding any sampling of catches and RTCs should be publicised by placing details on the public part of the website of the Member State. Information contained on the website should include the species involved, the sampling procedure and results, the geographical boundaries of the closed area, the date of implementation and the likely period of the RTC. Any RTC must be temporary and non-discriminatory.

When undertaking inspections at sea, inspectors should:

- remain aware of any current RTCs in the area of operations by monitoring the website of the appropriate Member State;
- analyse the VMS and ERS data for target vessels as described in Part D(a), to identify any incursions into RTCs that may involve fishing activity during the current voyage.

(b) Conservation zones

There is a wide range of conservation zones in Regions 2 and 3.

During inspections at sea inspectors should:

⁽²⁷⁹⁾ Articles 51 to 54 of Council Regulation (EC) No 1224/2009.

⁽²⁸⁰⁾ Commission Regulation (EU) No 724/2010.

| | |
|--------------------|---|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

- remain aware of the current status of any conservation zones in the area of operations by monitoring the website of the appropriate Member State;
- analyse the VMS and ERS data for target vessels as described in Part D(a), to identify any incursions into any conservation areas during the current voyage that may involve fishing activity.

Mediterranean Sea

The development of fishery limits in the Mediterranean Sea has evolved in a number of different ways. For example some states have signed bilateral agreements on EEZ boundaries while others have established fishery zones in the waters adjacent to their territorial seas. States that have established some form of limits include Algeria, Croatia, Cyprus, Egypt, France, Libya, Malta, Morocco, Spain, Syria and Tunisia. For example Malta has a 25-mile fishery protection zone around the islands⁽²⁸¹⁾. Agreements on the coordinates of borderlines at sea between some Member States are still pending.

(a) Fisheries restricted areas⁽²⁸²⁾

- Fisheries restricted area in the Gulf of Lions

For demersal stocks, the fishing effort of vessels using towed nets, bottom- and mid-water long lines and bottom-set nets in the fisheries restricted area shall not exceed the level of fishing effort applied in 2008 by each Member State in that area.

- Fisheries restricted areas have been established in the following areas in order to protect deep-sea sensitive habitats. Fishing with towed dredges and bottom trawl nets shall be prohibited in the following areas:
 - Lophelia reef off Capo Santa Maria di Leuca;
 - the Nile delta area cold hydrocarbon seeps;
 - the Eratosthenes Seamount.
- The use of towed dredges and trawl nets fisheries at depths beyond 1 000 m is prohibited.

(b) Closed seasons

- Fishing for common dolphinfish (*Coryphaena hippurus*) using fish aggregating devices (FADs) is prohibited from 1 January to 14 August of each year⁽²⁸³⁾.
- Bluefin tuna fishing shall be prohibited in the eastern Atlantic and Mediterranean by large-scale pelagic longline catching vessels over 24 m during the period from 1 June to 31 December, with the exception of the area delimited by west of 10° W and north of 42° N, where such fishing shall be prohibited from 1 February to 31 July⁽²⁸⁴⁾.
- Purse seine fishing for bluefin tuna shall be prohibited in the eastern Atlantic and Mediterranean during the period from 25 June to 25 May.
- Bluefin tuna fishing by bait boats and trolling boats shall be prohibited in the eastern Atlantic and Mediterranean during the period from from 1 November to 30 June.
- Bluefin tuna fishing by pelagic trawlers shall be prohibited in the eastern Atlantic during the period from 15 October to 15 June.
- Bluefin tuna recreational and sport fishing shall be prohibited in the eastern Atlantic and Mediterranean from 15 October to 15 June.

⁽²⁸¹⁾ Article 26 of Council Regulation (EC) No 1967/2006.

⁽²⁸²⁾ Articles 4 and 10 of Regulation (EC) No 1343/2011.

⁽²⁸³⁾ Article 12 of Regulation (EC) No 1343/2011.

⁽²⁸⁴⁾ Articles 11 and 12 of Regulation (EU) No 2016/1627.

| | |
|--------------------------------------|--------------------|
| Inspect conformity of catch on board | Module 3 |
| Check conformity of catch on board | Section 3.2 |

- Mediterranean swordfish shall not be caught (either as a target species or as by-catch), retained on board, transhipped or landed during the period from 1 October to 30 November and during an additional period of 1 month between 15 February and 31 March ⁽²⁸⁵⁾.

Region 9

Not applicable.

⁽²⁸⁵⁾ Paragraph 5 of ICCAT Recommendation 13-04.

| | |
|--------------------|--------------------------------------|
| Module 3 | Inspect conformity of catch on board |
| Section 3.2 | Check conformity of catch on board |

APPENDIX 1: Bibliography

None.

APPENDIX 2: Links and references

- Copies of regulations: http://eur-lex.europa.eu/RECH_naturel.do
- Union fleet register: <http://ec.europa.eu/fisheries/fleet/index.cfm>
- Lists of special permits: the secure part of Member State websites
- ICCAT recommendations: <http://www.iccat.int/en/RecsRegs.asp>
- FAO Fisheries and Aquaculture Department: <http://www.fao.org/fishery/en>
- Natura 2000: http://ec.europa.eu/environment/nature/natura2000/index_en.htm and http://ec.europa.eu/food/food/biosafety/establishments/list_en.htm

APPENDIX 3: Legislation

- Council Resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fishing zone in the Union with effect from 1 January 1977.
- Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.
- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.
- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e Commission Regulation (EU) No 724/2010.
- Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks.
- Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for on the hygiene of foodstuffs.
- Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003.
- Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea
- Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009

| Inspect conformity of catch on board | Module 3 |
|---|-------------|
| Check conformity of catch on board | Section 3.2 |
| <ul style="list-style-type: none"> • Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the Common Fisheries Policy. • Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000. • Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC. • Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council as regards the landing obligation and repealing Council Regulation (EC) No 1434/98. | |

Module 4 Conformity of gear

| | | |
|--------------------|--|-----------|
| Section 4.1 | Identify and examine gear in use and any other on board | 2 |
| | Chapter 4.1.1 — Identify the type of gear in use and any other on board | 3 |
| | Chapter 4.1.2 — Determine the gear measurement | 14 |
| | Chapter 4.1.3 — Identify gear geometry | 30 |
| | Chapter 4.1.4 — Identify gear attachments | 34 |
| | Chapter 4.1.5 — Identify selectivity of fishing gear | 40 |
| | Chapter 4.1.6 — Identify gear marking | 44 |
| | Chapter 4.1.7 — Prohibited methods of fishing | 48 |
| | APPENDIX 1: Bibliography | 54 |
| | APPENDIX 2: Links and references | 54 |
| | APPENDIX 3: Legislation | 54 |
| Section 4.2 | Check conformity of gear | 55 |
| | Chapter 4.2.1 — Compare gear in use with the information recorded by the master | 56 |
| | Chapter 4.2.2 — Check the legality of gear combinations | 58 |
| | Chapter 4.2.3 — Check the legality of the gear geometry | 60 |
| | Chapter 4.2.4 — Check the legality of the attachments | 65 |
| | Chapter 4.2.5 — Check the legality of the selectivity of gear | 75 |
| | Chapter 4.2.6 — Check for prohibited gear | 81 |
| | APPENDIX 1: Bibliography | 89 |
| | APPENDIX 2: Links and references | 89 |
| | APPENDIX 3: Legislation | 89 |

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

Section 4.1 Identify and examine gear in use and any other on board

Coverage: EU waters, all fisheries, all gears

Objective(s)

This module will lead the trainee through the processes involved in identifying the type of fishing gear in use or on board and establishing the legality of the gear.

The module will assist the trainee to complete points 58-63 of the minimum information required for the completion of inspection reports ⁽²⁸⁶⁾.

Overview

The conservation of fish stocks is a key element of the common fisheries policy; there is a complex and varied set of regulations governing the use of fishing gear and stipulating the dimensions of the gear in relation to the mesh size, twine thickness and geometry of the gear. The overall purpose of these regulations is to ensure that the capture of both juvenile and unwanted fish is minimised as far as is practicable.

The geometry of the gear can influence both the size of fish retained and, to some extent, the species retained.

In some fisheries, the amount of gear which can be used is restricted, in order to limit the effort on these fisheries.

Some gears must be marked, in order to identify the vessel using the gear.

Some gears may carry devices designed to scare off marine mammals in order to avoid their accidental capture.

This section will lead the trainee through the processes involved in identifying the type of fishing gear in use or on board and recording the relevant parameters by which the legality of the gear may subsequently be established.

Entry requirements

This section does not require any previous knowledge of fishing gear or gear technology.

⁽²⁸⁶⁾ Article 115 and points 58-63 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

Chapter 4.1.1 — Identify the type of gear in use and any other on board

Part A. Introduction

The use of certain types of fishing gear is strictly controlled by EU legislation which stipulates the manner in which such gear may be deployed and the technical parameters of the gear. Therefore, a fishery inspector must first be able to identify the type of fishing gear being used or carried on board, before being able to check whether the gear complies with the criteria laid down.

Part B. Concepts and definitions

(a) Gear condition

- 'Gear in use' is the gear currently being used for the catching of fish, or gear which has been used during the current voyage; this will be the gear that will be the primary priority of the gear inspection.
- 'Gear stowed and lashed' is fishing gear which is not currently being used and has been stowed in an approved manner, so that it cannot be readily used. The criteria for stowage vary between different geographical regions.

NB: The following list of descriptions of fishing gear is not exhaustive; it is intended only to address those types of gear whose use is regulated by EU legislation and therefore should be identifiable by a fishery inspector. The FAO alphanumeric codes for each gear are listed in Annex 1.

(b) Surrounding nets

- Surrounding nets with purse lines (purse seines)

These nets catch fish by surrounding them from the sides and underneath. They are normally surface nets, with the headline supported by numerous floats. The net is characterised by the use of a purse line at the bottom of the net, enabling the net to be closed like a purse, thus retaining all the fish within the encircling net. These nets, which may be very large, are usually operated by one vessel, with or without an auxiliary skiff. Figure 25 shows the method of deployment of a purse seine.

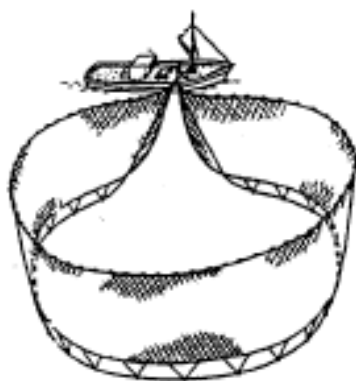


Figure 25 — *Deployment of purse seine*

- Surrounding nets without purse lines (lampara or ring nets)

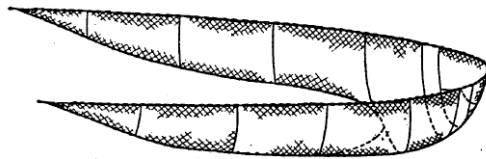


Figure 26 — *Lampara*

The lampara net is the most typical of this category. Its design, with the central bunt in the form of a spoon and two lateral wings, makes it possible to retain a shoal of fish when the two wings are hauled up at the same time. The ring net type is shaped more like a purse seine and is often fitted with bridles to help pull in the leadline (footrope).

These nets are generally operated by relatively small vessels.

(c) **Seine nets**

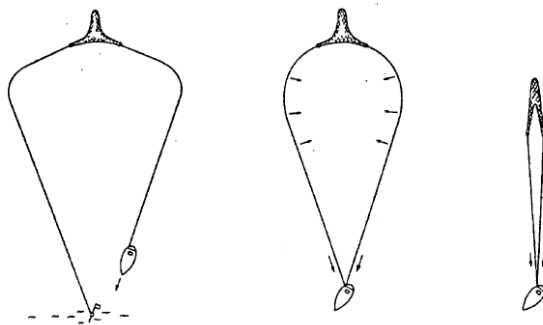


Figure 27 — *Operation of boat seine*

A boat seine net is similar in construction to a trawl net, but with longer wings. The net is connected on either side to a set of very long ropes, which are set on the seabed and then retrieved as shown in Figure 27. The speed of retrieval is gradually increased during the operation. The fish are herded between the ropes and subsequently collected in the net. This category has two methods of operation:

- Danish seines (anchor seines)

When using the Danish seine method, the vessel is prevented from being dragged backwards during the hauling operation by being anchored.

- Scottish seines (fly-dragging)

When using the Scottish seine method, the vessel is prevented from being dragged backwards during the hauling operation by going ahead on the main propulsion system.

(d) **Trawl nets**

- Overview

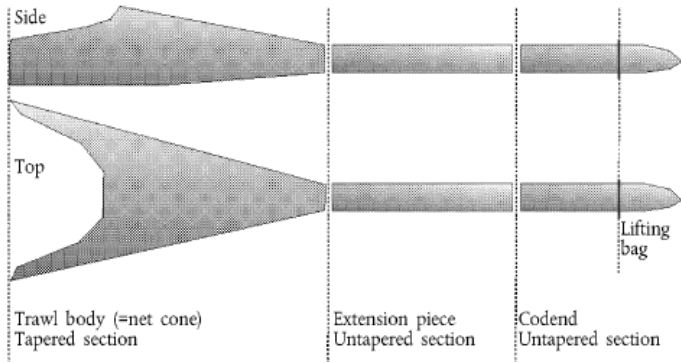


Figure 28 — Typical trawl construction

Trawls are towed nets consisting of a cone-shaped body that terminates in a closed bag (cod-end) which collects the fish. The front opening (mouth) can be kept open, both vertically and horizontally, by a variety of means, depending on the type of trawl. Bottom trawls are towed along the seabed to catch demersal (bottom-dwelling) species; midwater trawls are towed anywhere between just off the seabed and the surface to catch pelagic species.

- Beam trawls

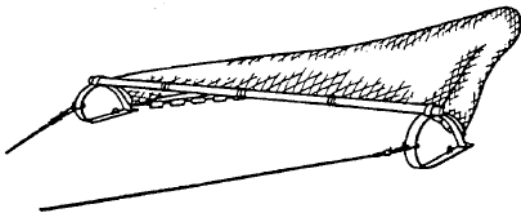


Figure 29 — Beam trawl

In these trawls, the opening is maintained by a beam made of wood or, more commonly, metal. These trawls can be very heavy, due to the associated ground gear. There are two common types of beam trawls, referred to as 'open gear' and 'chain mat gear'. Open gear is a lighter rig with several chains. These ticklers help to disturb the fish from the muddy seabed. This rig is used on clean soft ground. The chain mat or stone mat gear is used for towing over rockier areas of seabed. In this rig there is a lattice work of chains. Some beam trawls are also fitted with 'flip up ropes' to prevent stones from entering the net and damaging it. A recent development in beam trawling is the sum wing trawl, where the beam floats near the bottom and electric pulses (by derogation) ⁽²⁸⁷⁾ in the gear are used to disturb the fish from the seabed.

Beam trawls are used to catch mostly shrimps and flatfish, and are normally towed off derricks, one on either side of the vessel.

⁽²⁸⁷⁾ Article 31(a) of Council Regulation (EC) No 850/98.



Figure 30 — *Open gear*



Figure 31 — *Chain mat or Stone mat gear*



Figure 32 — *Flip up ropes*



Figure 33 — *Sum wing beam*

- Bottom otter trawls (include multiple rigs)

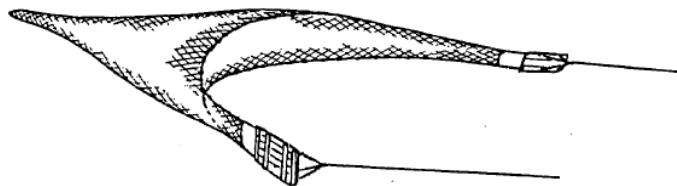


Figure 34 — *Single otter trawl*



Figure 35 — *Trawl doors*

These trawls are towed along the seabed by a single vessel; the horizontal opening is maintained by otter boards (Figure 35) which spread the net by a combination of hydrodynamic and ground forces. The vertical opening is maintained by floats and sometimes kites.

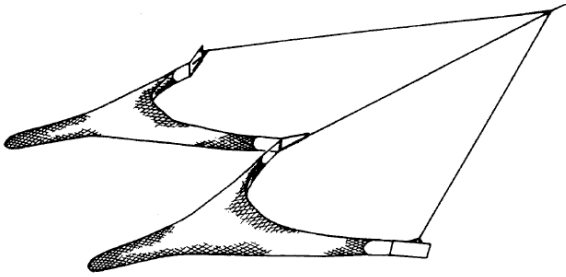


Figure 36 — *Twin trawls*

More than one otter trawl may be towed simultaneously by a single vessel. Normally two trawls are towed (twin-rig), but recently three trawls have also become common. The inner wings are normally attached to a heavy weight or sledge. In certain fisheries, notably for shrimp and flatfish, otter trawls (either single or twin) may be towed from a derrick on either side of the vessel.

- Bottom pair trawls

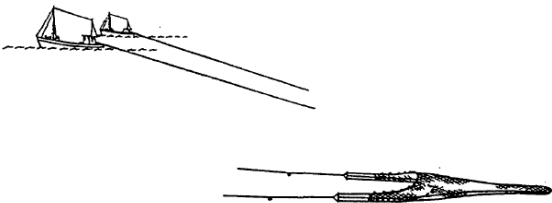


Figure 37 — *Bottom pair trawl*

These trawls are towed by two vessels at the same time, the horizontal opening being maintained by the distance between the two vessels. These nets can be very large with high vertical openings and are used to target species which tend to rise off the seabed, such as roundfish.

- Midwater otter trawls

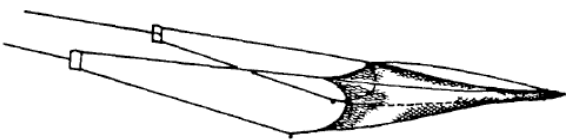


Figure 38 — *Midwater otter trawl*

These trawls are usually much larger than bottom trawls. The front net sections are often made with very large meshes or ropes, to reduce water resistance, which herd the shoals towards the rear of the net. The horizontal opening is controlled by otter boards, usually of a hydrodynamic shape, which normally do not touch the seabed. The depth is controlled by the warp length, vessel speed and wing-end weights.

- Midwater pair trawls

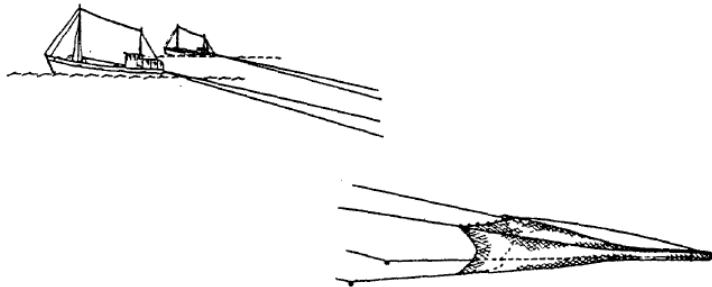


Figure 39 — *Midwater pair trawl*

These trawls are towed by two vessels at the same time, the horizontal opening being maintained by the distance between the two vessels. Otherwise, their characteristics are the same as for midwater otter trawls.

(e) **Dredges**

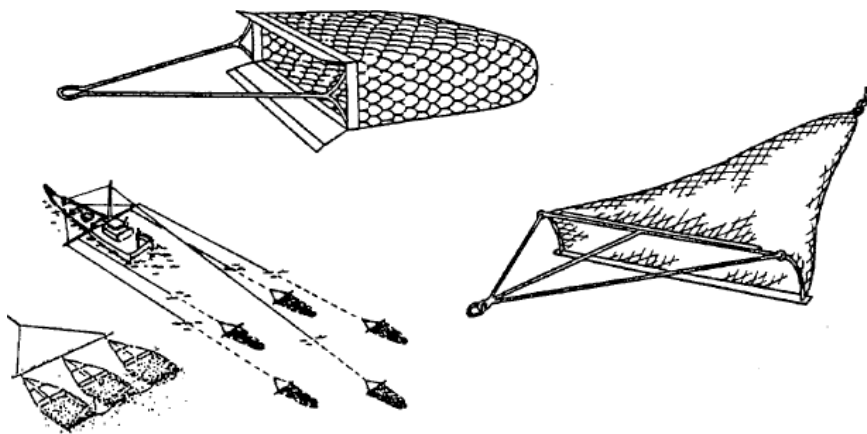


Figure 40 — *Dredges*

These are typically a heavy metal framework, equipped with either a blade or tooth bar, which is dragged along the seabed to dig out molluscs such as mussels, oysters, scallops and clams. The shellfish are collected in a bag, often made of steel rings, which allows the mud and sand to be sieved out.

(f) **Gillnets and entangling nets**

- Overview

In this type of gear, fish are gilled, entangled or enmeshed in the netting, which may be either single wall (gillnets) or multiple wall (trammel nets). These nets can be used alone or, as is more usual, in large numbers connected in line, normally called a 'fleet'.

According to their design, ballasting and buoyancy, these nets may be used to fish on the surface, in midwater or on the seabed.

- Set gillnets (anchored)

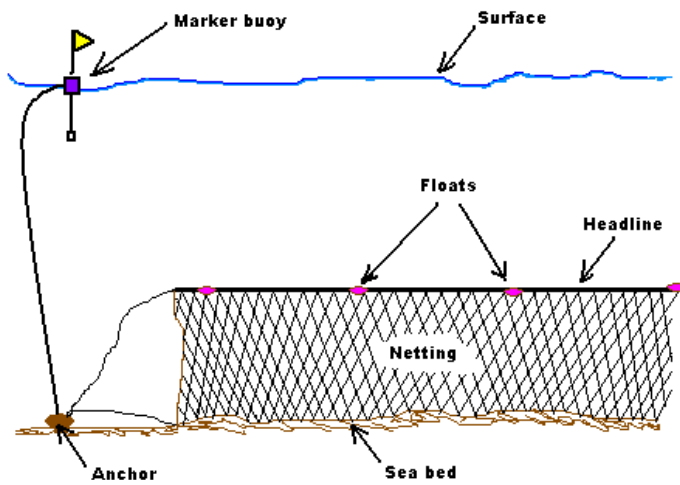


Figure 41 — *Bottom-set gillnet*

These are nets made up of a single piece of netting held vertically in the water by floats and weights fixed or capable of being fixed by any means to the seabed.

- Drifting gillnets (driftnets)

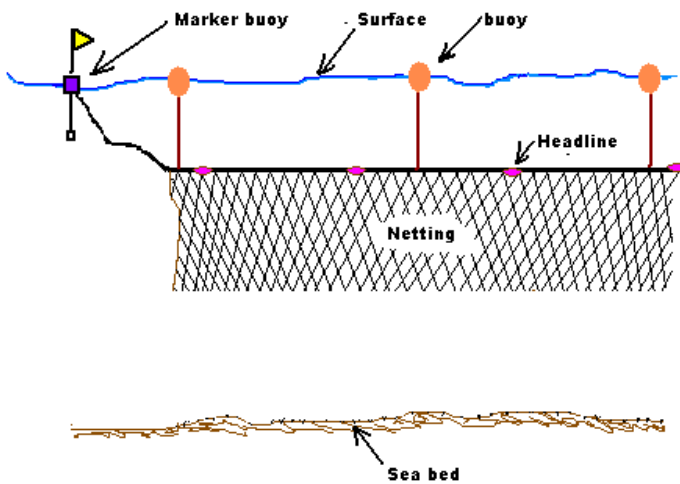


Figure 42 — *Driftnet*

These are nets made up of a single piece of netting suspended vertically in the water above the seabed by means of floats or buoys. The net is not fixed to the seabed and is free to drift under the influence of wind or tide.

- Trammel nets

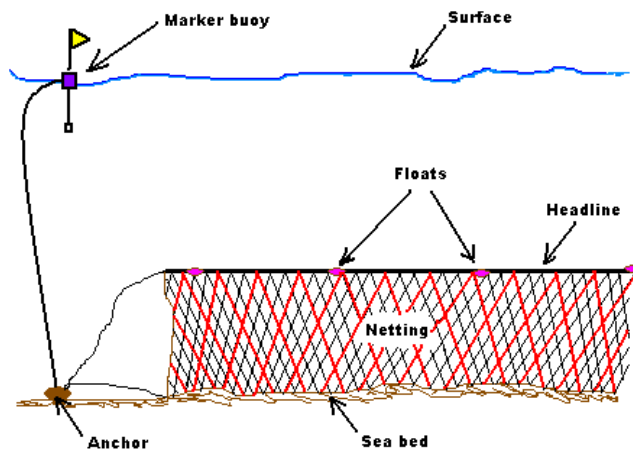


Figure 43 — Trammel net (outer wall in red)

These are nets made up of two or more pieces of netting hung jointly in parallel in the water. The 'inner' wall of netting is of a smaller mesh than the 'outer' wall(s); the fish are trapped after passing through the first large outer netting and being caught by the smaller netting. These nets are normally, but not always, anchored to the seabed.

- Combined gillnets and trammel nets

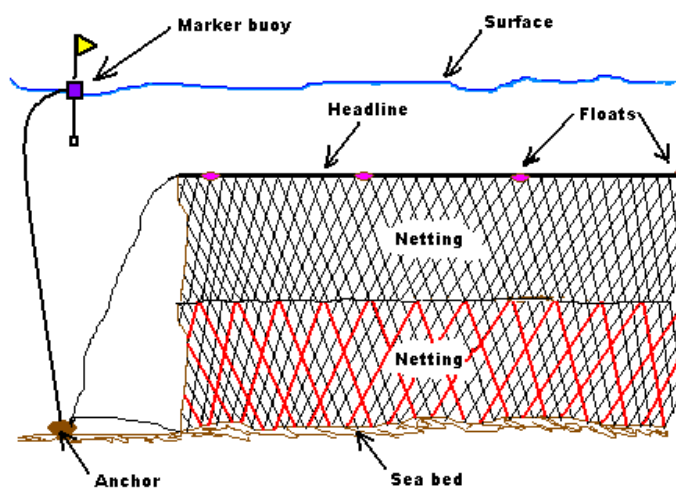
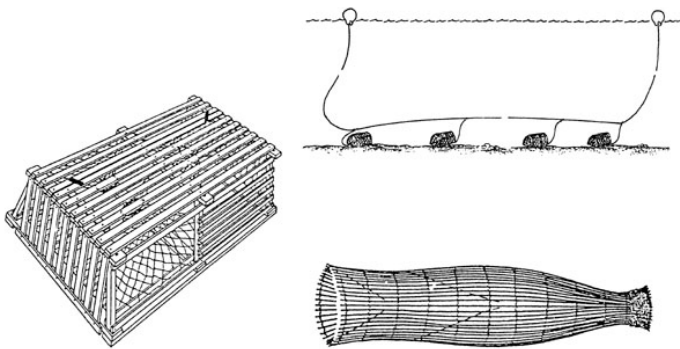


Figure 44 — Combined bottom-set net

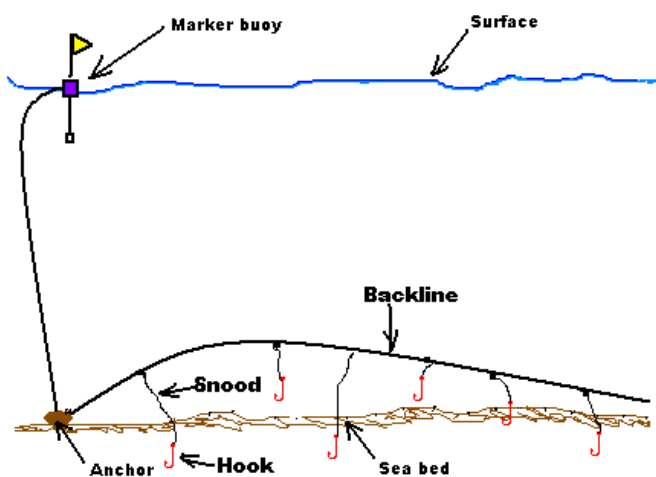
A combined bottom-set net is any bottom-set gillnet combined with a trammel net which constitutes the lower part.

(g) **Traps****Figure 45** — *Traps*

Traps are fishing gear which is fixed to or deployed on the bottom and which acts as a trap to catch marine species. They are constructed in the form of a basket, pot, barrel or cage, and in the majority of cases they comprise a rigid or semi-rigid frame made of various materials (wood, wicker, metal rods, wire netting, etc.) that may or may not be covered with netting. They have one or more funnels or mouths with smooth ends that allow species to enter the internal chamber. They may be used separately or in groups. When used in groups, a main line carries numerous traps on branch lines of variable length and spacing depending on the target species.

(h) **Hooks and lines**

- Long lines

**Figure 46** — *Bottom-set long line*

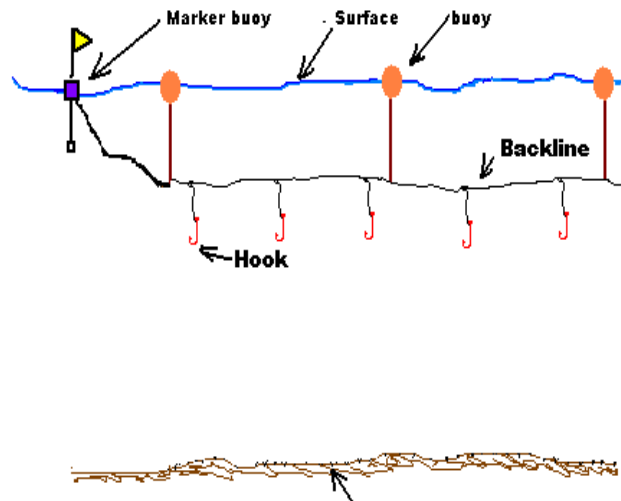


Figure 47 — Surface long line

A long line is a fishing gear which comprises a main line carrying numerous hooks on branch lines of varying length and spacing, depending on the target species. It may be deployed either vertically or horizontally to the sea surface; it may be set either at or near the bottom (bottom-set long line) or drifting in midwater or near the surface (surface long line).

(i) **Grappling and wounding**

- Harpoons are made of wood or metal with a pointed end and often a barb, which can be launched either mechanically or manually from a vessel. They can be used to catch a variety of marine species which come close to the surface of the sea.
- Sub-aqua spear guns are used to catch fish underwater by means of a spear, often equipped with a barb, fired from a gun which is either mechanically or pneumatically powered.
- A St Andrew's cross is a device, as shown in Figure 48, which is dragged across the seabed and tangles parts of coral in clumps of net suspended from a cross-shaped structure. This is sometimes known as an *ingegno*.

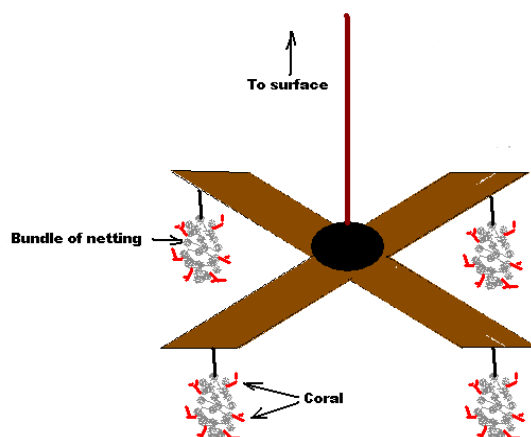


Figure 48 — St Andrew's cross

- Scissor-action grapples are grab-like devices used to collect benthic marine organisms from the seabed.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

Part C. Data and information sources

The FAO alphanumeric codes for each gear are listed in Annex 1.

Part D. Methodology

The inspector should examine the gear to the extent required to identify the type of gear in use or stowed and record his findings as FAO alphanumeric codes for each gear identified. This information will then allow the inspector to decide on the appropriate course of action to take, insofar as what parameters of the gear will need to be ascertained.

Chapter 4.1.2 — Determine the gear measurement

Part A. Introduction

In order to understand the correct use of the mesh size and twine thickness gauges, it is necessary to have a basic knowledge of net construction and the terminology used to describe various features of the netting.

Part B. Concepts and definitions

(a) Active gear

For the purposes of net measurement, 'active gear' means any fishing gear for which the catch operation requires an active movement of the gear ⁽²⁸⁸⁾. This would include trawls, seines and encircling nets. This class of gears (with the exception of encircling nets) is often referred to as 'towed gear'.

(b) Passive gear

For the purposes of net measurement, 'passive gear' means any fishing gear for which the catch operation does not require an active movement of the gear ⁽²⁸⁹⁾. This would include gill nets, entangling nets and trammel nets. This class of gears (along with pots, traps and long lines) is often referred to as 'static gear'.

(c) Net construction

- Construction (knotted netting)

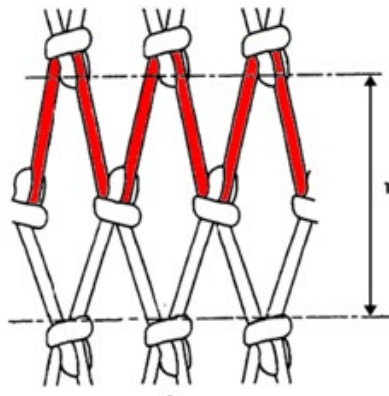


Figure 49 — *Knotted mesh*

Nearly all knotted netting is machine-made. An example is shown in Figure 49; the knot used in the construction is a sheet bend. The mesh size, for control purposes, is the internal length of the mesh, as indicated by arrow number two. The netting is produced from the machine in the direction indicated by arrow number 2. This is the T-direction of the net. The twine coloured red in the diagram is called a row and consists of a continuous length of twine. The dimension of each row is set by the parameters of the machine and remains fairly constant throughout the sheet of netting. There can be, however, significant differences in size between different rows in the same sheet of netting, due to mechanical features of the net-making machine.

⁽²⁸⁸⁾ Article 2(b) of Commission Regulation (EC) No 517/2008.

⁽²⁸⁹⁾ Article 2(c) of Commission Regulation (EC) No 517/2008.

- Construction (knotless netting)

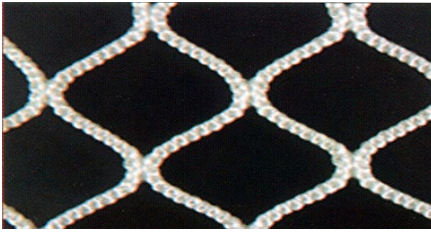


Figure 50 — *Knotless mesh*

In knotless netting, which is all machine-made, the net is constructed by interweaving the twines where there would normally be a knot; an example is shown in Figure 50. In such netting, the T-direction is not always discernible.

- Longitudinal axis of towed gears

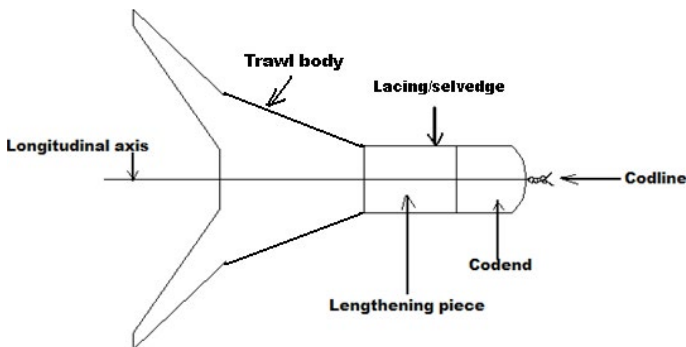


Figure 51 — *General trawl layout*

For towed gears, the longitudinal axis of the net is an axis running from the mouth of the net to the cod-end, as indicated in Figure 51.

- N-direction

Knotted netting bears strain best in the direction indicated by arrow number 1 in Figure 49. This is known as the N-direction and is at right-angles to the T-direction. The net is able to stand much greater strain in the N-direction than in the T-direction, without the knots slipping or 'capsizing'. Because of this, most towed nets are constructed with the N-direction of the component netting aligned with the longitudinal axis of the gear.

- T-90 mesh

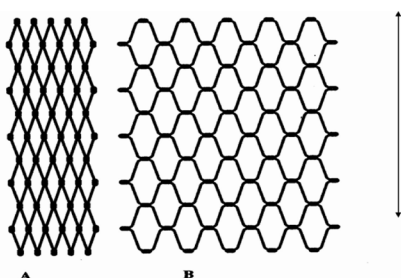


Figure 52 — *Diamond and T-90 mesh*

In Figure 52, 'A' shows conventional diamond mesh knotted netting, with the N-direction of the net in the same direction as the longitudinal axis of the gear, which is indicated by the arrow on the right. 'B' shows netting which has been turned 90 degrees to the longitudinal axis of the gear. This is known as T-90 mesh.

- Bar

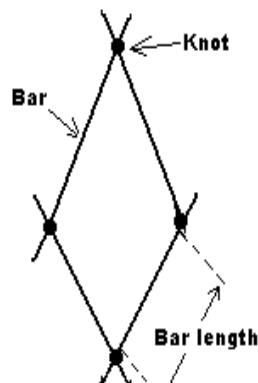


Figure 53 — Bar length

A bar is the section of twine between two adjacent knots, as shown in Figure 53.

- Square mesh

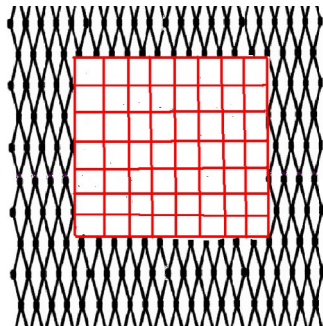


Figure 54 — Square mesh

Square mesh is diamond netting which has been rotated by 45 degrees in relation to the longitudinal axis of the gear; in this configuration, the bars run parallel and at right angles to the longitudinal axis of the gear ⁽²⁹⁰⁾. Figure 54 shows a section of square mesh, marked in red.

- Materials

Most modern netting is made of synthetic materials, mainly polypropylene, polyethylene and nylon.

- Twine construction

Twine can be constructed in the following ways, depending on the intended usage of the netting:

- twisted, where the strands are twisted around each other in a variety of configurations, used mostly for light towed gear and static gear;

⁽²⁹⁰⁾ Article 1(e) of Council Regulation (EC) No 2187/2005, Article 3(d) of Council Regulation (EC) 850/98 and Article 11 of and Annexes I(c) and (B)(3) of Council Regulation (EC) No 1967/2006.

- braided, where the strands are braided to form a sheath around an inner core, used exclusively for towed gear;
 - monofilament, consisting of a single strand of transparent nylon, used exclusively in static gear;
 - multi-monofilament, consisting of multiple strands of transparent nylon twisted together, used exclusively in static gear.
- Single/double twine



Figure 55 — *Double twine netting*

In some situations, where the netting is subjected to high stresses or abrasions, netting made of multiple twines may be used. In practice they are nearly always composed of two sets of braided twine in knotted netting and are used exclusively in towed gears, as shown in Figure 55.

- Lacing/selvedge

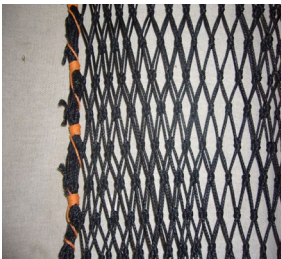


Figure 56 — *Longitudinal lacing/selvedge*

A lacing or selvedge is normally where the sides of the upper and lower panels of a towed net are joined together in the direction of the longitudinal axis of the gear. This is generally done by gathering and sewing together three or four meshes of each panel to form a rope-like reinforcement at the joining edge, as shown in orange twine in Figure 56 above. Occasionally, lacing can also be taken to mean where the front and rear edges of a panel of net are sewn together, as shown by the row of orange twine in Figure 57 below.

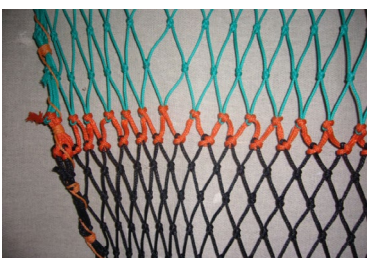


Figure 57 — *Transverse lacing*

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

- Prohibition of meshes other than diamond or square

Under current EU legislation ⁽²⁹¹⁾, it is prohibited to use meshes which are not constructed with four sides. In practice, this prohibits the use of six-sided netting, which is available for certain non-fishing-related uses.

- Mesh size

The mesh size of a mesh is the distance between the inside extremities of the opening of the mesh, as indicated by arrow 1 in Figure 49; this distance has to be measured under certain predefined conditions. The precise determination and methodology will be dealt with later in the section.

As already explained in 'Net construction' above, the different bars in a row of netting are likely to be of the same length. It is therefore evident that a series of meshes consisting of two rows (i.e. running in the T-direction) is more likely to be of a consistent size than a series of meshes running in the N-direction. In order to measure, obtain an average mesh size across the whole of the netting; the series to be measured must be taken in the N-direction. The requirements of the relevant regulation ⁽²⁹²⁾ set out to achieve this.

- Twine thickness

Twine thickness is the assessed diameter of the twine under certain predefined conditions. The precise assessment and methodology will be dealt with later in the section.

- Condition of netting

Certain factors can influence either mesh size or twine thickness, the two main parameters of the netting. The two most important factors are as follows:

— *Water uptake*

As the netting is used underwater, there is a significant uptake of water into the netting material, which can affect the mesh size and twine thickness. This factor is, however, much more pronounced in natural materials (cotton, hemp sisal) which swell when wetted. Nearly all modern-day netting is made from synthetic materials, upon which the affect of water is greatly reduced.

— *Detritus ingress*

The ingress of detritus into the twine of the netting can greatly affect the mesh size and twine thickness. The detritus is generally composed of sand or mud from the seabed which permeates the netting twine as it is being towed along. This effect is seen mostly in demersal towed gears and the effect is much more pronounced on netting made of braided twine, due to its construction. The detritus enters the outer braided sheath of the twine and forces the sheath outwards. This has the effect of increasing the twine thickness and at the same time shortening the twine and thereby decreasing the mesh size.

⁽²⁹¹⁾ Article 9 of Council Regulation (EC) No 850/98, Article 6(c) of Council Regulation (EC) No 2187/2005 and Article 11(2) of and Annex I(B) 5 to Council Regulation (EC) No 1967/2006.

⁽²⁹²⁾ Commission Regulation (EC) No 517/2008.

⁽²⁹³⁾ Article 3(2) of and Annex III to Commission Regulation (EC) No 517/2008.

⁽²⁹⁴⁾ Article 3(3) of and Annex IV to Commission Regulation (EC) No 517/2008.

Part C. Data and information sources

The logbook will contain a declaration by the master of the mesh size in use; there will be no indication of the twine thickness.

A detailed technical specification for the electronic mesh gauge is given in the relevant legislation ⁽²⁹³⁾ and is reproduced in Annex 2.

A detailed technical specification for the twine thickness gauge is given in the relevant legislation ⁽²⁹⁴⁾ and is reproduced in Annex 3.

Part D. Methodology 1: Determination of mesh size

(a) The electronic mesh gauge

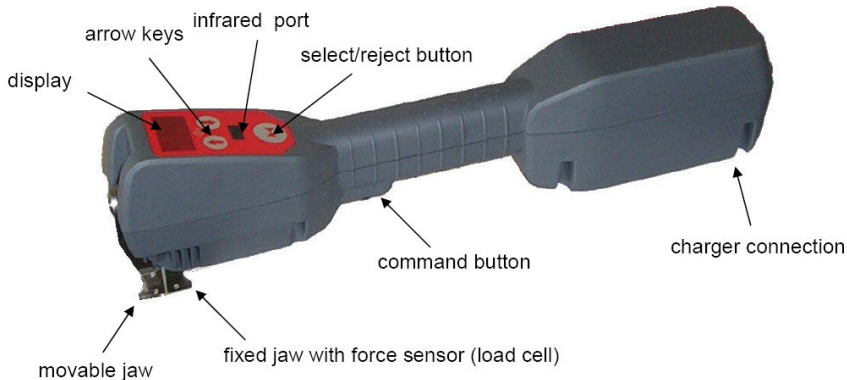


Figure 58 — The electronic mesh gauge

- Introduction

The electronic mesh gauge was introduced in 2009, in order to harmonise procedures for the determination of mesh size. Due to the flexible nature of fibre ropes, it is difficult to unambiguously determine the size of a mesh. The best way to determine the mesh size is to take an average of several measurements, applying a standardised measuring force. The electronic mesh gauge achieves this standardisation by applying a predetermined longitudinal force to the mesh, which is the same for all EC gauges for a given range of mesh size. In this way, the results of determination are harmonised throughout the Union.

Current legislation requires that the electronic mesh gauge is used when determining the mesh size ⁽²⁹⁵⁾.

This determined mesh size then becomes the figure used to check whether the net is in compliance with the regulations.

- Certification of the gauge

The mesh gauge shall be certified by the manufacturer as complying with the technical specification ⁽²⁹⁶⁾.

- Marking of the gauge

Any gauge used by EU or national inspectors for control purposes shall be marked 'EC gauge' ⁽²⁹⁷⁾.

- Calibration

The electronic mesh gauge shall be calibrated periodically in accordance with national requirements, by an authorised calibration institute. For most Member States this is once a year.

⁽²⁹⁵⁾ Article 3(1) of Commission Regulation (EC) No 517/2008.

⁽²⁹⁶⁾ Article 3(4) of Commission Regulation (EC) No 517/2008.

⁽²⁹⁷⁾ Articles 3(1) and 3(4) of Commission Regulation (EC) No 517/2008.

- Calibration instruments

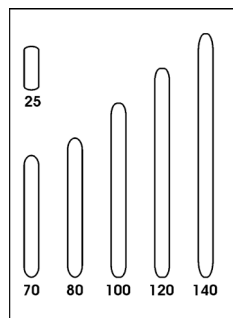


Figure 59 — Calibration plate

The test weights used for calibration shall be of 10, 20, 50 and 125 newtons ⁽²⁹⁸⁾. These weights shall be certified by the competent national authority and marked 'EC' ⁽²⁹⁹⁾.

The verification of length measurement shall be done by using a rigid test plate as shown below ⁽³⁰⁰⁾. The test plate shall be certified by the competent national authority and marked 'EC' ⁽³⁰¹⁾

- Testing of the gauge

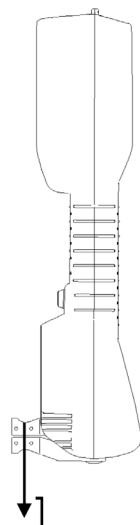


Figure 60 — Force testing

- Testing the accuracy of the length measurement is achieved by inserting the jaws of the gauge into slots of the calibrated test plate ⁽³⁰²⁾, operating the gauge and noting the result and the size of the hole in the test plate. Best practice would be to carry out this procedure before measuring the net.
- Testing the accuracy of the force measurement is achieved by hanging test weights on the fixed jaw ⁽³⁰³⁾. The force is shown on the display of the gauge. The gauge must be held vertical and secure and the weights can only be used under stable conditions ⁽³⁰⁴⁾. This requirement means that all such testing must be done ashore. In addition, a test stand is available from the gauge manufacturers to hold the gauge vertical.
- No frequency is laid down in the legislation for either of these tests; best practice would be to do them as frequently as is physically practicable.

⁽²⁹⁸⁾ Article 4 of and Annex V(B) to Commission Regulation (EC) No 517/2008.

⁽²⁹⁹⁾ Article 4 of Commission Regulation (EC) No 517/2008.

⁽³⁰⁰⁾ Article 4 of and Annex V(A) to Commission Regulation (EC) No 517/2008.

⁽³⁰¹⁾ Article 4 of Commission Regulation (EC) No 517/2008.

⁽³⁰²⁾ Article 5(a) of Commission Regulation (EC) No 517/2008.

⁽³⁰³⁾ Article 5(b) of Commission Regulation (EC) No 517/2008.

⁽³⁰⁴⁾ Article 5 of and Annex V(B) to Commission Regulation (EC) No 517/2008.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

- The buttons

The gauge has four buttons which are used by the operator to control the functions and operation of the gauge, as follows:

- the COMMAND button, located on the underside of the gauge;
- the ARROW (▲ and ▼) keys, located on the top of the gauge, just below the display;
- the SELECT/REJECT (▶◀) button, located below the ARROW keys.

- Setting up the gauge

- Fitting the correct jaws

Three sets of jaws are supplied with the gauge, to be used with different mesh size ranges as follows: small, for mesh sizes 10 to 70 mm; normal, for mesh sizes 40 to 200 mm; and extended, for mesh sizes 140 to 300 mm. It is advisable to fit the correct jaws before switching on the gauge. Normally, the entry in the logbook of the mesh size of the gear in use should be used to determine which jaws to use.

NB: The gauge will need to be set with the correct jaw size after the initial switching on.



Small



Normal



Extended

Figure 61 — *Types of jaws*

- Switching on the gauge:

- Press the COMMAND button for one second, until the display shows 'OMEGA GAUGE'. The gauge will perform some initial tests of the electronics. When these tests are completed, the gauge will display 'Press SELECT COMMAND to start tests'. Press SELECT followed by COMMAND (within 1 second) and the gauge will start the tests on the mechanical parts. To do so, the gauge will open the jaws to maximum position and then close them to minimum position; the jaws should not be touched during this test.
- If a test fails, an error message will be displayed. If the detected error affects the accuracy of the gauge, the gauge will shut down. This makes it impossible to carry out measurements with a malfunctioning gauge. If an error message is displayed, the manufacturer's manual should be consulted.
- When all tests are passed, the display will show 'System OK'.

- Accessing the menu

The menu can be accessed either before the self-test is started or after the self-test and after a force has been selected. The menu is entered by pressing one of the arrow keys and can be scrolled through by using the arrow keys. Pressing SELECT will give to access to the menu item shown on the display.

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

— Setting the correct force

Normally, on starting, the display will show 'CHOOSE FORCE'. Select the force with the arrow keys (▲ or ▼), then press SELECT (▶◀) to accept the force. The correct forces for each mesh type are as follows:

The reference force to be used, is the force that relates to the mesh size of the gear in use, as declared by the master in the logbook.

Table 18 — Force settings by mesh size

| Gear type | Mesh size | Force (in newtons) |
|-----------|--------------------|--------------------|
| Active | < 35 mm | 20 N |
| | ≥ 35 mm to < 55 mm | 50 N |
| | ≥ 55 mm | 125 N |
| Passive | All sizes | 10 N |

— Setting the correct jaws

To change the jaws setting, choose 'Jaws' in the menu, press SELECT, change the setting with the arrow keys, then press SELECT again to accept the new setting.

(b) How to determine the mesh size

• Introduction

Once the gauge has been tested and the correct jaws and measuring force have been selected, it is ready to be used for the determination of the mesh size. The following methodology must be strictly adhered to when determining the mesh size ⁽³⁰⁵⁾:

• Selection of meshes in towed gears

— Where in the net?

A series of 20 consecutive meshes shall be chosen in the following direction:

- for diamond and square meshes, in the direction of the longitudinal axis of the net ⁽³⁰⁶⁾;
- for T90 meshes, perpendicular to the direction of the longitudinal axis of the net ⁽³⁰⁷⁾.

— Exceptions

The 20 consecutive meshes should not include any of the following ⁽³⁰⁸⁾:

- any meshes less than three meshes from the selvedge, lacings, ropes or cod line. The distance shall be measured perpendicular to the lacings, ropes or cod line with the net stretched in the direction of that measurement;
- any meshes which are broken or have been repaired;
- any meshes which have attachments to the net fixed to them.

— Derogation

Where it is not possible to choose 20 consecutive meshes to be measured, because of the constraints in the point above, then the meshes do not need to be consecutive ⁽³⁰⁹⁾. However, as far as is practicable, they should be spaced along the directions already described above.

⁽³⁰⁵⁾ Article 8 of Commission Regulation (EC) No 517/2008.

⁽³⁰⁶⁾ Article 6(1)(a) of Commission Regulation (EC) No 517/2008.

⁽³⁰⁷⁾ Article 6(1)(b) of Commission Regulation (EC) No 517/2008.

⁽³⁰⁸⁾ Article 6(2) of Commission Regulation (EC) No 517/2008.

⁽³⁰⁹⁾ Article 6(3) of Commission Regulation (EC) No 517/2008.

| | |
|---|-------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

- Selection of meshes in passive gear

- Where in the net?

A set of 20 meshes shall be chosen. In the case of different mesh sizes in the fishing net, the meshes shall be selected from the part of the fishing net having the smallest meshes ⁽³¹⁰⁾.

NB: For passive gear, there is no requirement for the meshes to be consecutive or to be chosen in any particular direction. However, best practice would be to choose the meshes in the N-direction of the netting, wherever practicable, to avoid possible legal challenges.

- Exceptions

The 20 meshes should not include any of the following:

- meshes at the top, bottom or side of a net selvedge ⁽³¹¹⁾;
- meshes within three meshes of lacings and ropes ⁽³¹²⁾;
- meshes which have been broken or have been repaired ⁽³¹³⁾.

- Identification of chosen meshes

Once the set of meshes has been chosen for measurement, it is highly advisable (although not mandatory) that the meshes are marked in some way. This could be by a small piece of twine or any other method which would allow the clear identification of the meshes which have been measured. This practice will greatly reduce the possibility of a legal challenge at a later date and will also facilitate the identification and continuity of any evidence which may be required. It is also good practice, as it demonstrates to the master of the vessel that the correct procedure has been followed when selecting the meshes to be measured.

- Condition of net

As discussed in Chapter 4.1.2, the condition of the net can influence the mesh size. Current EU legislation requires that the net shall be measured only when wet and unfrozen ⁽³¹⁴⁾.

- Procedure for measuring

- Diamond and T-90 meshes

When measuring diamond and T-90 meshes in:

- netting when the N-direction can be determined, the netting shall be measured in the N-direction of the meshes ⁽³¹⁵⁾;
- knotless netting when the N-direction cannot be determined, the longest axis of the mesh shall be measured ⁽³¹⁶⁾.

- Square mesh

When measuring a square mesh panel, the netting shall be measured first in one diagonal direction and then in the other diagonal direction of each mesh ⁽³¹⁷⁾.

- Operation of the gauge

- Moving the jaws

- To open the jaws, press the COMMAND button once (for more than 1 second).
- To stop the opening of the jaws, press the COMMAND button a second time.
- To close the jaws, press and hold the COMMAND button, after one second the movable jaw will retract, release the button to stop the jaw.

⁽³¹⁰⁾ Article 7(1) of Commission Regulation (EC) No 517/2008.

⁽³¹¹⁾ Article 7(2)(a) of Commission Regulation (EC) No 517/2008.

⁽³¹²⁾ Article 7(2)(b) of Commission Regulation (EC) No 517/2008.

⁽³¹³⁾ Article 7(2)(c) of Commission Regulation (EC) No 517/2008.

⁽³¹⁴⁾ Article 11 of Commission Regulation (EC) No 517/2008.

⁽³¹⁵⁾ Article 9(a) of Commission Regulation (EC) No 517/2008.

⁽³¹⁶⁾ Article 9(b) of Commission Regulation (EC) No 517/2008.

⁽³¹⁷⁾ Article 10 of Commission Regulation (EC) No 517/2008.

— Starting a measurement

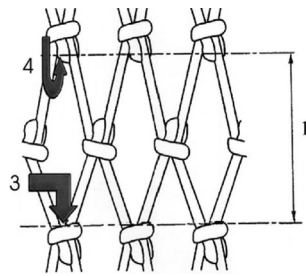


Figure 62 — *Where to measure a mesh*

- Insert the jaws in the mesh.
- Locate the fixed jaw in the nearest knot (position 3 in Figure 62).
- Press the COMMAND button once to open the jaws.
- The moveable jaw will now extend to engage the farthest knot of the mesh (position 4 in Figure 62).

NB: Care must be taken that the largest opening is measured. Ensure that the jaws are placed at the side of and not on the knots, as illustrated in the diagram. This is extremely important, as incorrect positioning of the jaws can make a significant difference to the result.

In addition, experience has shown that the result of a single mesh size measurement can be influenced (with an increase of the result up to 2 mm) when moving the gauge, when kept horizontal and under tension, slightly to the left or the right of the perpendicular position of the jaws. In practice this means that, whilst measuring, a slight movement with the wrist can have an important influence on the measuring result, and the inspector should aim to keep the gauge as still as possible during the measurement cycle.

— Measurement algorithm

When the measured force approaches the selected force, the gauge will start the measurement algorithm; allow the gauge sufficient time to complete the algorithm.

— Completing a measurement

- When the measurement is finished, the measured values will remain on the display, and flash until accepted or rejected.
- Accept the measurement by pressing the COMMAND button.
- Reject the measurement by pressing the REJECT button.
- The average of the measurements taken so far in the series can be accessed at any time by selecting 'average' from the menu.

— Completing a series

Once the required number of measurements has been taken, the series can be completed as follows:

- Select the menu by pressing either of the ARROW keys; the menu can be scrolled through by using the ARROW keys.
- Scroll to 'end sequence' and press SELECT.
- The display will show 'Are you sure?' Confirm with the SELECT button, or cancel with any other key.
- When confirmed, the sequence is closed, and the gauge will request the measurement force for the next sequence.

| | |
|---|-------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

- Determination of the mesh size of the net

- Legal procedure

Once the above procedure has been completed, the legal mesh size of the net shall be determined as the mean value, displayed by the gauge, of the series of 20 selected meshes ⁽³¹⁸⁾. If the master of the vessel disputes this result, for any reason, then the procedure described in case of disputes must be carried out.

- Electronic procedure

The result of the procedure can be viewed by selecting 'view results' from the menu and selecting the last sequence measured. The average mesh size for diamond mesh can be accessed by selecting 'average' from the menu; for square mesh, average mesh size can be accessed by selecting 'square average'

- Determination of the mesh size in case of disputes:

- If the master of a fishing vessel disputes the result of the determination of the mesh size carried out as described above, then a further 20 meshes shall be selected and measured in another part of the fishing net ⁽³¹⁹⁾. After completing the first 20 meshes it is important that the series is not completed by pressing 'end sequence', until it is established whether the master wishes to dispute the findings. This is because in the case of disputes the mesh size shall be redetermined as the mean value, displayed by the gauge, of all 40 meshes.
 - The criteria and procedure for selecting and measuring these further 20 meshes shall be as described above.
 - The mesh size shall then be redetermined as the mean value, displayed by the gauge, of all 40 meshes measured ⁽³²⁰⁾.
 - The displayed result of the gauge shall be final; this means that there should be no additional measurements carried out in the case of further disputes. The legally determined mesh size is the average of the 40 meshes.

- Storage of results

Although the gauge is capable of storing many results, a back-up of the results should be made. The gauge may be damaged or lost, or may not be available to the original user when required.

- Paper

The judicial requirements of some Member States may require that a paper record is kept of the results. This could be considered as best practice and has the advantage that the master could be invited to sign the record as a true copy. The serial number of the gauge used should be appended to any results recorded; the serial number can be accessed via the menu.

- Electronic

The gauge has the facility to transmit data to a PC by means of an infra-red port. The data are then stored in spreadsheet format. The serial number of the gauge used is included in the transmitted data.

- Interpretation of results

The gauge gives an average result corrected to one decimal place. However, the inherent accuracy of the gauge, as described in the technical specification, is ± 1 mm. Therefore, the result must be either increased or reduced by 1 mm, whichever is more favourable to the fisherman. The inspector should also take into account any legislative or case-law practices relevant to the scenario of the inspection.

⁽³¹⁸⁾ Article 13 of Commission Regulation (EC) No 517/2008.

⁽³¹⁹⁾ Article 14(1) of Commission Regulation (EC) No 517/2008.

⁽³²⁰⁾ Article 14(2) of Commission Regulation (EC) No 517/2008.

- Further information

For further detailed information on all aspects of the electronic mesh gauge, the relevant user manual should always be consulted.

PART E. Methodology 2: Assessment of twine thickness

(a) The twine thickness gauge

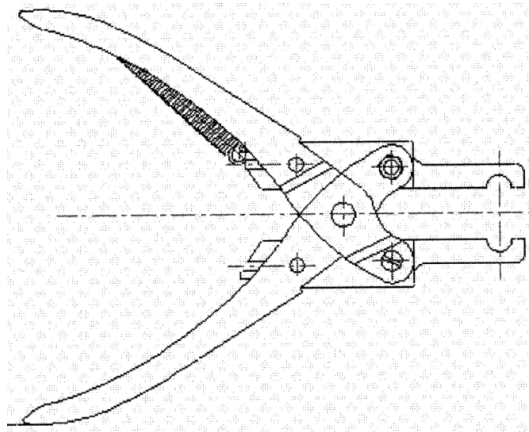


Figure 63 — *Twine thickness gauge*

- Introduction

The gauge is the mandatory tool to be used for the assessment of twine thickness. Due to flexible nature of fibre ropes, it is difficult to unambiguously determine the twine of a mesh. The twine will compress when transverse measuring forces are applied to it. Therefore the twine thickness is assessed under standardised measuring conditions and an average is taken. The twine thickness gauge achieves this standardisation by testing the ability of the twine to pass easily through a rigid orifice set at the legal maximum thickness for the fishery involved.

NB: Although referred to as ‘the gauge’, it is in fact a set of gauges with jaws of different sizes.

Current legislation requires that the twine thickness gauge is used when assessing the twine thickness ⁽³²¹⁾.

This assessed twine thickness then becomes the figure used to check whether the net is in compliance with the regulations.

- Effect of twine thickness on selectivity

There are limits to the maximum thickness of twines because the thickness has a direct result on the selectivity of the net; the thicker the twine, the less the selectivity.

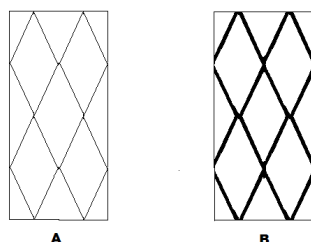


Figure 64 — *Effect of twine thickness on selectivity*

⁽³²¹⁾ Article 3(1) of Commission Regulation (EC) No 517/2008.

| | |
|---|-------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

Consider the example in Figure 40. Nets A and B both have the same mesh size, but net B has a greater twine thickness than A. Their selectivity as regards mesh size is the same, but net B presents less area for escape (the white area), in terms of percentage, than net A. Therefore, increasing the twine size has reduced the escape possibilities and therefore the selectivity of the net.

As an example, if a mesh of 80 mm is constructed of 10 mm diameter twine, then the available escape area is cut to 64 % of the total area. This is at maximum (square) mesh opening. As the diamond configuration of the net becomes narrower, then the effect of increased twine thickness becomes even more pronounced.

- Certification of the gauge

The twine thickness gauge shall be certified by the manufacturer as complying with the technical specification ⁽³²²⁾.

- Marking of the gauge

Any gauge used by European Union or national Inspectors for control purposes shall be marked 'EC gauge' ⁽³²³⁾.

- Testing of the gauge
 - Some gauges are supplied with a set of test rods. These are hard steel rods of diameters 4, 5, 6 and 8 mm, which can be used to check the openings in the jaws of the gauges. However, no mention of testing or calibration appears in the relevant legislation.
 - Best practice would be to check the gauge with the relevant test at the time of the inspection.
 - It is highly advisable that any such testing be documented.

(b) How to assess the twine thickness of the net

- Introduction

The gauge does not measure twine thickness; the procedure used is of a pass/fail nature at a predetermined twine thickness.

- Selection of gauge
 - A gauge with a circular hole with a diameter equal to the maximum twine thickness permitted for the part of the net considered shall be used ⁽³²⁴⁾.
 - To this end, the inspector must know the relevant maximum twine thickness permitted, taking into account the type of net, the part of the net being measured (which could be the net itself, the cod-end or an attachment) and the geographical area. All these elements can have a direct influence on the maximum twine thickness permitted in a particular scenario.
- Selection of twines:
 - General provisions: the inspector shall select meshes from any part of the fishing net which is subject to a maximum permitted twine thickness ⁽³²⁵⁾; twines within a mesh that are broken or have been repaired shall not be selected ⁽³²⁶⁾.
 - Twines in diamond mesh netting shall be selected as a series in the N-direction of the net, as shown in Figure 65. In the case of single twine netting, the twine on opposite sides of 10 meshes shall be selected ⁽³²⁷⁾ and in the case of double twine netting, each strand of twine on opposite sides of five meshes shall be selected ⁽³²⁸⁾.

⁽³²²⁾ Article 3(4) of Commission Regulation (EC) (EC) No 517/2008.

⁽³²³⁾ Articles 3(1) and 3(4) of Commission Regulation (EC) No 517/2008.

⁽³²⁴⁾ Article 18 of Commission Regulation (EC) No 517/2008.

⁽³²⁵⁾ Article 15(1) of Commission Regulation (EC) No 517/2008.

⁽³²⁶⁾ Article 15(2) of Commission Regulation (EC) No 517/2008.

⁽³²⁷⁾ Article 16(a) of Commission Regulation (EC) No 517/2008.

⁽³²⁸⁾ Article 16(b) of Commission Regulation (EC) No 517/2008.

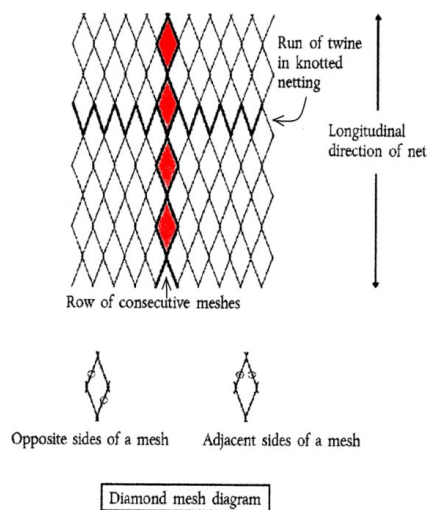


Figure 65 — Selection of diamond mesh

- Twines in square mesh netting shall be selected in the following way, as shown in Figure 66. In the case of single twine netting, the twine on only one side of 20 meshes shall be selected, with the same side being selected in each mesh ⁽³²⁹⁾; in the case of double twine netting, each strand of twine on only one side of 10 meshes shall be assessed, with the same side being selected in each mesh ⁽³³⁰⁾.

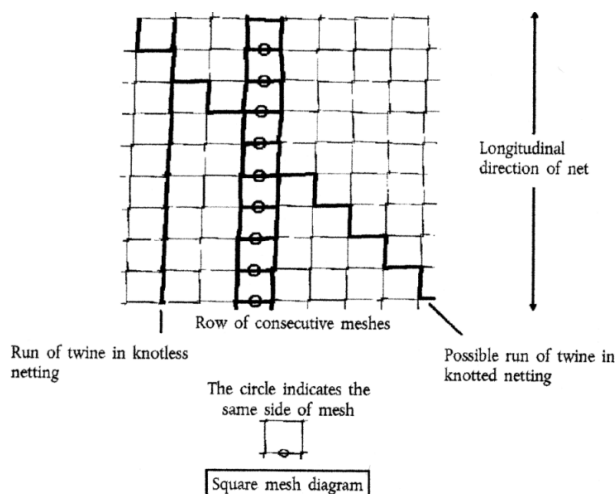


Figure 66 — Selection of square meshes

- Identification of chosen meshes

Once the set of meshes has been chosen for measurement, it is a good practice that the meshes are marked in some way. This could be by a small piece of twine or any other method which would allow the clear identification of the meshes which have been measured. This practice will greatly reduce the possibility of a legal challenge at a later date and will also facilitate the identification and continuity of any evidence which may be required. It is also good practice, as it demonstrates to the master of the vessel that the correct procedure has been followed when selecting the meshes to be measured.

- Condition of net

As discussed in Chapter 4.1.2, the condition of the net can influence the twine thickness. Current EU legislation requires that the twine shall be assessed when unfrozen ⁽³³¹⁾.

⁽³²⁹⁾ Article 17(a) of Commission Regulation (EC) No 517/2008.

⁽³³⁰⁾ Article 17(b) of Commission Regulation (EC) No 517/2008.

⁽³³¹⁾ Article 19 of Commission Regulation (EC) No 517/2008.

| | |
|---|-------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

However, the legislation does not address the practice of washing the net prior to measurement to remove detritus trapped in the twine. This procedure can vary from streaming the net, hosing the net to pressure-washing the net itself and can influence the resulting twine thickness.

- Operation of the gauge
 - The selected twine should now be placed into the jaws of the gauge, making sure that the twine fits into the two grooves forming the hole in the jaws. Care should be taken that the twine is not trapped at the side of the jaws by not being introduced centrally. The jaws should then be closed by manual pressure on the handles of the gauge.
 - The inspector should now attempt to draw the gauge along the long axis of the twine.
 - When the thickness of the twine prevents the closure of the jaws of the gauge or the twine does not pass easily through the hole when the jaws are closed, the assessment of the thickness of a twine shall be noted by the inspector as a negative assessment (–) ⁽³³²⁾.
- Assessment of the twine thickness
 - The inspector should proceed with the measurements of the 20 selected twines, noting any negative assessments (–).
 - If more than five negative assessments (–) of the 20 twines selected are noted in accordance with Article 20, the inspector shall again select and assess a further 20 twines ⁽³³³⁾.
 - If more than 10 negative assessments (–) of the total 40 twines selected are found, the twine thickness shall be determined as exceeding the maximum twine thickness permitted for that part of the fishing net ⁽³³⁴⁾.
- Assessment of the twine thickness in case of disputes
 - If the master of the vessel disputes the result of the assessment of the twine thickness carried out as described above, then the inspector shall again select and assess 20 different twines in the same part of the fishing net ⁽³³⁵⁾.
 - If more than five negative assessments (–) of the total 20 twines selected are found, then the twine thickness shall be determined as exceeding the maximum twine thickness permitted for that part of the net. The result of that assessment shall be final ⁽³³⁶⁾.

⁽³³²⁾ Article 20 of Commission Regulation (EC) No 517/2008.

⁽³³³⁾ Article 21(1) of Commission Regulation (EC) No 517/2008.

⁽³³⁴⁾ Article 21(2) of Commission Regulation (EC) No 517/2008.

⁽³³⁵⁾ Article 22(1) of Commission Regulation (EC) No 517/2008.

⁽³³⁶⁾ Article 22(2) of Commission Regulation (EC) No 517/2008.

Chapter 4.1.3 — Identify gear geometry

Part A. Introduction

Current legislation requires certain gears in specified fisheries to conform to certain restrictions on either geometry or dimensions, either to ensure that their selectivity is not reduced or to limit the possibility of illegal practices.

Part B. Concepts and definitions

(a) Circumference of cod-end/lengthening piece

Circumference of the cod-end/lengthening piece can be measured in one of three ways, depending upon the region:

- Regions 1–3: The number of meshes around the net at right angles to the longitudinal axis of the net, excluding meshes in the selvages ⁽³³⁷⁾. This is demonstrated in Figure 67, where the meshes to be counted are shown in red (both upper and lower panels together).

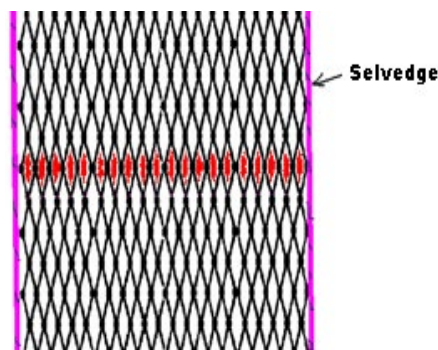


Figure 67 — Cod-end circumference

- Mediterranean Sea: The number of meshes in the circumference of the net (excluding the selvages) multiplied by the determined mesh size ⁽³³⁸⁾.
- Baltic Sea: The number of meshes around the net at right angles to the longitudinal axis of the net, excluding meshes in the joining or selvages ⁽³³⁹⁾.

(b) Length of cod-end/lengthening piece

The length of the cod-end/lengthener is measured as the stretched length of the relevant panel of the net ⁽³⁴⁰⁾.

(c) Beam length

The length of a beam of a beam trawl is the overall length of the beam, including attachments ⁽³⁴¹⁾.

(d) Gillnet length

The length of a gillnet is the overall length of the headline (floatline) of the net ⁽³⁴²⁾.

(e) Gillnet depth

The depth of a gillnet is the stretched depth of the netting, from the headline to the footrope ⁽³⁴³⁾.

⁽³³⁷⁾ Article 6 of Council Regulation (EC) No 850/98.

⁽³³⁸⁾ Article 11(2) of and Annex I(j) to Council Regulation (EC) No 1967/2006.

⁽³³⁹⁾ Article 5(e) of Council Regulation (EC) No 2187/2005.

⁽³⁴⁰⁾ Article 5(1)(ii) of Commission Regulation (EC) No 2056/2001.

⁽³⁴¹⁾ Article 30(1) of Council Regulation (EC) No 850/98.

⁽³⁴²⁾ Article 12 of and Annex II(a) to Council Regulation (EC) No 1967/2006.

⁽³⁴³⁾ Article 12 of and Annex II(b) to Council Regulation (EC) No 1967/2006.

| | |
|---|-------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

(f) **Encircling net length**

The length of an encircling net is the overall length of the floatline of the net ⁽³⁴⁴⁾.

(g) **Encircling net depth**

The depth of an encircling net is the stretched vertical depth of the netting, from the floatline to the footrope ⁽³⁴⁵⁾.

(h) **Mesh bar length**

The length of a mesh bar is the distance between two connected knots or joins in a mesh (see Figure 49).

(i) **Panel material**

The material of a panel is the type of netting making up the panel, which will depend on the following physical properties:

- twine material,
- method of construction of the twine,
- method of construction of the netting,
- mesh size,
- twine thickness.

(j) **Taper**

Panels of netting can be either tapered or untapered:

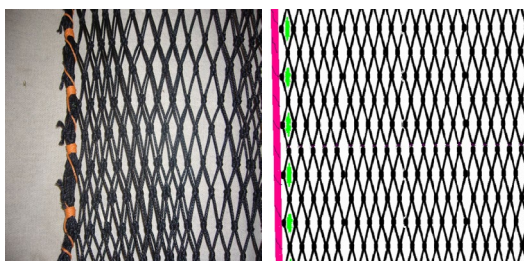


Figure 68 — *Untapered panel, schematic and actual*

- If the net is untapered, then the number of meshes at the rear of the panel is the same as at the front, i.e. the panel is parallel-sided. This is shown in Figure 68, where the front of the net is at the top of the illustration.

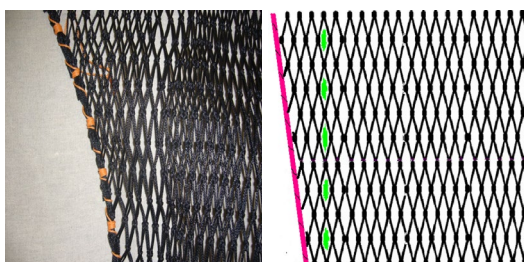


Figure 69 — *Tapered panel, schematic and actual*

⁽³⁴⁴⁾ Article 12 of and Annex II(a) to Council Regulation (EC) No 1967/2006.

⁽³⁴⁵⁾ Article 12 of and Annex II(b) to Council Regulation (EC) No 1967/2006.

- The number of meshes in the circumference of a conventionally tapered net decreases from the front of the section to the rear. This is shown in Figure 69, where the front of the net is at the top of the illustration.

(k) **Balloon cod-end**

A balloon cod-end is where the cod-end tapers from the rear end to the front, i.e. there are more meshes at the rear of the cod-end than at the front ⁽³⁴⁶⁾.

(l) **Sewing**

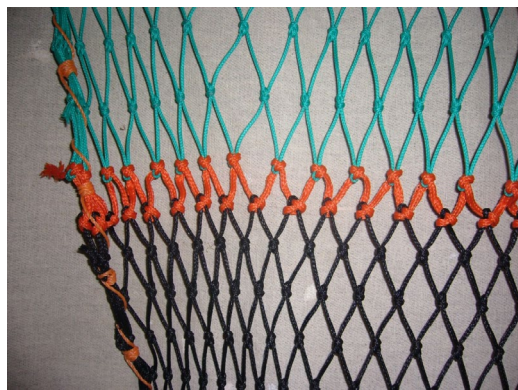


Figure 70 — Cod-end sewn to lengthening piece

The transverse edges (i.e. the edges at right angles to the longitudinal axis of the gear) of panels of netting are normally joined together by sewing, as shown in Figure 70. If these edges are joined simply by a twine threaded through alternate meshes (i.e. without knotting), this is called 'lacing'. Lacing allows two panels to be disconnected very quickly, by cutting the lacing twine.

(m) **Hooks**

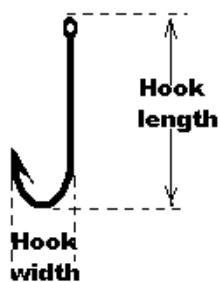


Figure 71 — Hook dimensions

A hook is a bent, sharpened piece of steel wire, usually equipped with a barb.

- The length of a hook shall be measured as the overall length from the tip of the shank to the apex of the bend. The width of a hook shall be measured as the greatest distance from the external part of the shank to the external part of the barb ⁽³⁴⁷⁾.
- The number of hooks is the total number of hooks set or on board.

⁽³⁴⁶⁾ Article 11(2) of and Annex I(g) to Council Regulation (EC) No 1967/2006.

⁽³⁴⁷⁾ Article 2(7) of Council Regulation (EC) No 1967/2006.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

(n) **Traps**

The number of traps is the total number of traps on board or set.

Part C. Data and information sources

There are provisions for certain gear parameters to be recorded in the logbook. This information is not always mandatory, but is dependent on area and the control regime in force.

Part D. Methodology 1: Active gear

The values of the following parameters should be established, where applicable, in order to be used for checking the legality of the gear. The checks on the legality of the gear are dealt with in detail in Section 4.2.

(a) **Towed gear**

- Cod-end
 - Mesh size and twine thickness
 - Circumference
 - Length of top and bottom panels
 - Material of top and bottom panels
 - Taper (Is there any taper and if so in which direction?)
 - Method of transverse joining to lengthening piece
- Lengthening/extension piece:
 - Mesh size and twine thickness
 - Circumference
 - Length of top and bottom panels
 - Material of top and bottom panels
 - Taper
- Beam length

(b) **Encircling gear**

- Depth and length of the net.

Part E. Methodology 2: Passive gear

(a) **Long lines**

- Length and width of hooks
- Number of hooks

(b) **Passive nets**

- Driftnets:
 - Mesh size and twine thickness
 - Depth and length
- Bottom-set nets:
 - Mesh size and twine thickness
 - Depth and length

(c) **Traps**

- Number of traps

Chapter 4.1.4 — Identify gear attachments

Part A. Introduction

Current legislation prohibits the use of any device by means of which the mesh in any part of the fishing net is obstructed or otherwise effectively diminished ⁽³⁴⁸⁾. However, certain devices are in common use in active (towed) gears for practical reasons and these are recognised as allowed derogations to the above prohibition, provided they comply with certain specified criteria. Such devices are known as ‘attachments’ and those permitted are listed below, after the definitions of cod-end and lengthening piece.

Part B. Concepts and definitions

(a) Cod-end

- The cod-end is the part of the net where the fish gathered during the fishing operation eventually arrive. Fish are normally taken on board at the end of each fishing operation from emptying the cod-end by releasing the codline. However, in certain large-scale operations, the cod-end may be emptied by pumping the fish aboard. It should be noted that the definition of cod-end in the annex to Commission Regulation (EEC) No 3440/84 includes the cod-end *sensu stricto* and the lengthening piece.
- The cod-end is the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape ⁽³⁴⁹⁾; for the Baltic Sea, the cod-end is further defined as the rearmost 8 m of the trawl ⁽³⁵⁰⁾.
- The cod end is normally made up of two sheets of netting (generally of the same material) laced together along the edges, which are in the same direction as the longitudinal axis of the trawl.

⁽³⁴⁸⁾ Article 16 of Council Regulation (EC) No 850/98, Article 11 of Council Regulation (EC) No 1967/2006 and Article 5 and 6 of Council Regulation (EC) No 2187/2005.

⁽³⁴⁹⁾ Article 2 of and Annex to Commission Regulation (EEC) No 3440/84 and Article 11(2) of and Annex I(f) to Council Regulation (EC) No 1967/2006.

⁽³⁵⁰⁾ Article 2(f) of Council Regulation (EC) No 2187/2005.

⁽³⁵¹⁾ Article 11(2) of and Annex I(h) to Council Regulation (EC) No 1967/2006.

⁽³⁵²⁾ Article 2 of and Annex to Commission Regulation (EEC) No 3440/84, Article 2(n) of Council Regulation (EC) No 2187/2005 and Article 11(2) of and Annex I(e) to Council Regulation (EC) No 1967/2006.

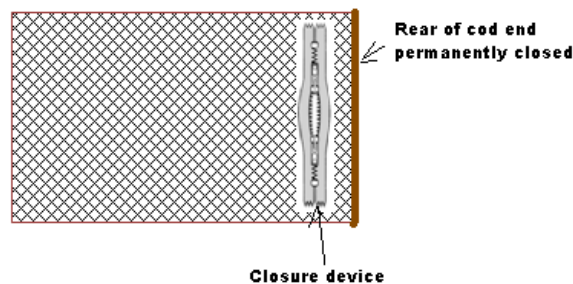


Figure 72 — Pocket-type cod-end

- A pocket-type cod-end ⁽³⁵¹⁾ is any cod-end whose vertical height diminishes towards the rearmost part of the cod-end and whose transversal cross-sections are nearly an ellipse of the same or decreasing major axis. The rearmost part of the cod-end is either composed of a single folded panel or by transversally lacing together, with respect to the longitudinal axis of the net, the rearmost upper and lower panels. Although shown in Figure 72 as a zip-like device, the closure is usually achieved by joining by sides of the opening by some form of running slipknot, which can quickly be undone.

(b) Lengthening/extension piece

- The lengthening/extension piece is made of one or more panels located just in front of the cod-end ⁽³⁵²⁾. Each panel is also normally made up of two sheets of netting

(generally of the same material) laced together along the edges which are in the same direction as the longitudinal axis of the trawl.

- For the Baltic and Mediterranean Seas, the extension piece is defined as being untapered.

(c) **Bottom-side chafer** ⁽³⁵³⁾

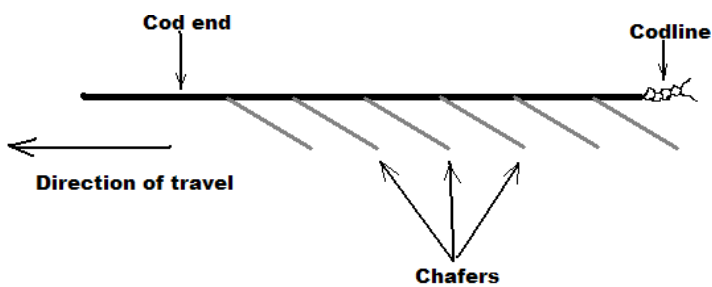


Figure 73 — Bottom-side chafers

- A bottom-side chafer is used to protect the cod-end from abrasion on the sea-bed and is more commonly used in demersal towed gear. A bottom-side chafer may be formed of any piece of canvas, netting, or any other material; more than one bottom-side chafer may be used at the same time and they may overlap.

(d) **Top-side chafer** ⁽³⁵⁴⁾ (not authorised in the Baltic)

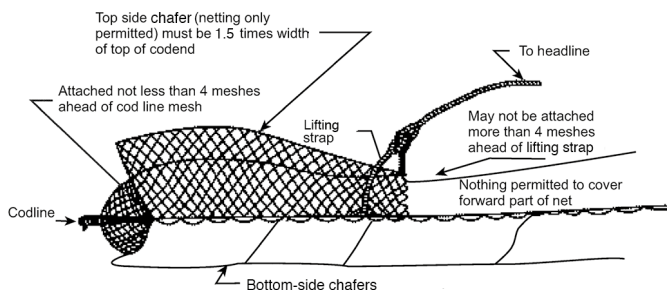


Figure 74 — Type A top-side chafer

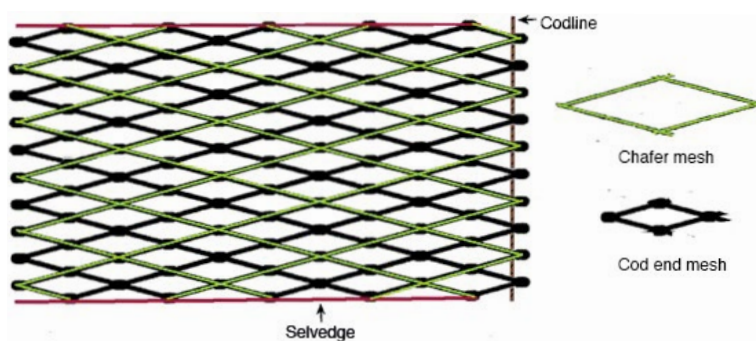


Figure 75 — Type B top-side chafer: view from above

- A top-side chafer is a piece of netting attached to the top panel of the cod-end. The purpose of this type of chafer is to protect the cod-end should it twist whilst being

⁽³⁵³⁾ Article 4 of Commission Regulation (EEC) No 3440/84 and Article 5(2) of Council Regulation (EC) No 2187/2005.

⁽³⁵⁴⁾ Article 5 of Commission Regulation (EEC) No 3440/84.

towed, thus bringing the top of the cod-end into contact with the seabed. There are two types of top-side chafer, type A and type B, both with certain conditions associated with their use.

(e) **Strengthening bag** ⁽³⁵⁵⁾

- A strengthening bag is used to strengthen the cod-end and to prevent it from bursting when filled with fish and when the trawl is hauled on board. In appearance, the strengthening bag looks much the same as the arrangement in Figure 75, except that the larger mesh now also covers the lower panel of the cod-end, i.e. it is a cylindrical piece of larger netting which completely surrounds the cod-end.

(f) **Chafing or protection piece** ⁽³⁵⁶⁾

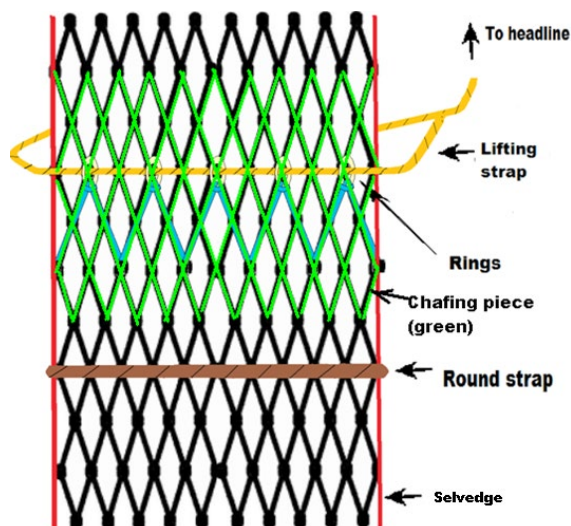


Figure 76 — Chafing piece

- A chafing piece (Figure 76) is used to prevent the lifting strap from cutting the netting of the cod-end; a chafing or protection piece is a short cylindrical piece of netting with the same circumference as the cod-end or strengthening bag, if any, and which surrounds the cod-end or the strengthening bag at the points of attachment of the lifting strap.

(g) **Codline** ⁽³⁵⁷⁾

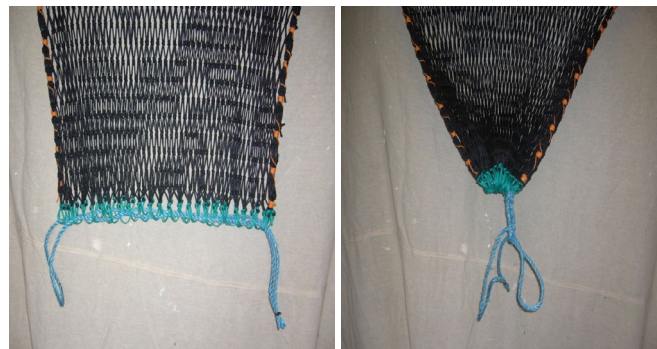


Figure 77 — Codline open and closed

⁽³⁵⁵⁾ Article 6 of Commission Regulation (EEC) No 3440/84, Article 11(2) of and Annex I(B)(7) to Council Regulation (EC) No 1967/2006 and Article 2(g) of Council Regulation (EC) No 2187/2005.

⁽³⁵⁶⁾ Article 7 of Commission Regulation (EEC) No 3440/84.

⁽³⁵⁷⁾ Article 8 of Commission Regulation (EEC) No 3440/84.

- A codline is a rope making it possible to close the rear of the cod-end and/or strengthening bags by means of either a knot which can be easily loosened (cod-end knot) or a mechanical device (cod-end clip). The codline is passed through the meshes of the cod-end, encircling it at right angles to the longitudinal axis of the net (see Figure 77).

(h) **Lifting strap** ⁽³⁵⁸⁾

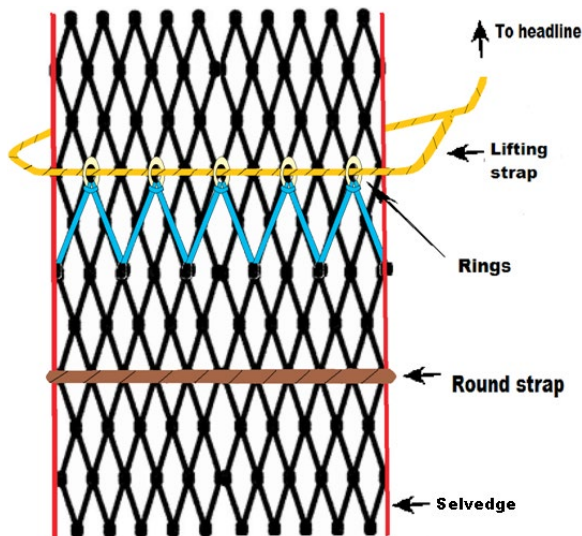


Figure 78 — *Lifting strap and round strap*

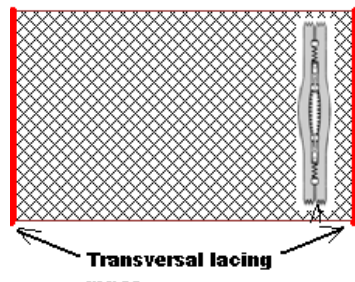
- A lifting strap is a piece of rope or wire loosely encircling the circumference of the cod-end or the strengthening bag, if any, and attached to it by means of loops or rings. This is used to bring on board the cod-end, in order to empty it. More than one lifting strap may be used at any time.
- Although rings are commonly used to connect the lifting strap, sometimes the lifting strap is attached by passing it through two loops of rope (grommets) or rings attached one to each selvage.

(i) **Round straps** ⁽³⁵⁹⁾

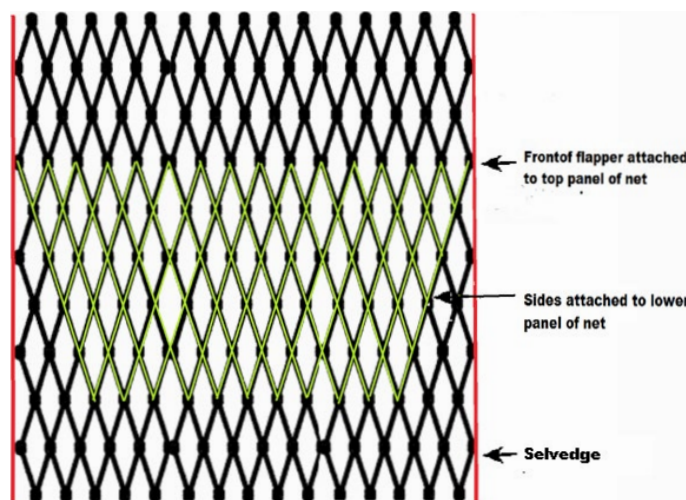
- Round straps are ring-shaped ropes which encircle the cod-end or the strengthening bag at regular intervals and which are attached to it (see Figure 54). The purpose of a round strap is to limit the extension of the diameter of the cod-end and to strengthen it against the possibility of bursting.

⁽³⁵⁸⁾ Article 9 of Commission Regulation (EEC) No 3440/84 and Article 2(i) of Council Regulation (EC) No 2187/2005.

⁽³⁵⁹⁾ Article 10 of Commission Regulation (EEC) No 3440/84 and Article 2(j) of Council Regulation (EC) No 2187/2005.

(j) **Transversal lacing rope** ⁽³⁶⁰⁾ (**Mediterranean only**)**Figure 79** — *Transversal lacing ropes*

- A transversal lacing rope is any external or internal rope running transversally, with respect to the longitudinal axis of the net, in the rearmost part of the cod-end either along the join between two upper and lower panels or along the bend of the single rearmost panel. It can be either a prolongation of the lateral lacing rope or a separate rope.

(k) **Flapper** ⁽³⁶¹⁾**Figure 80** — *Flapper*

- A flapper is a piece of netting with a mesh size at least equal to that of the cod-end, fastened inside a trawl, in such a way that it allows catches to pass from the front to the rear of the trawl but limits their possibility of return. The flapper is trapezoidal in shape, the longer of the parallel sides is attached to the upper panel of the net and the tapering sides are attached to the lower panel of the net. The shorter parallel side is at the rear and is not attached to the net. This effectively forms a funnel, making return to the forward part of the net difficult for the fish. In Figure 80, the flapper mesh is shown in green; this view is inside the net.

(l) **Sieve netting** ⁽³⁶²⁾

- Sieve netting is a piece of larger-mesh netting used to catch fish, shrimps or other species selectively by filtration or diversion.

⁽³⁶⁰⁾ Article 11(2) of and Annex 2(i) to Council Regulation (EC) No 1967/2006.

⁽³⁶¹⁾ Article 11 of Commission Regulation (EEC) No 3440/84 and Article 2(k) of Council Regulation (EC) No 2187/2005.

⁽³⁶²⁾ Article 12 of Commission Regulation (EEC) No 3440/84.

(m) **Strengthening rope** ⁽³⁶³⁾

- A strengthening rope is any rope, other than a lacing rope, attached to any part of the net. Its purpose is to strengthen the net and prevent damage.

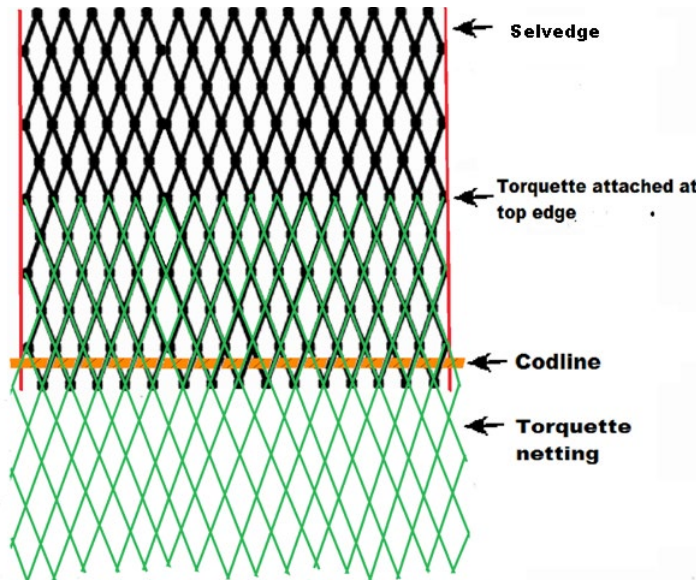
(n) **Torquette** ⁽³⁶⁴⁾

Figure 81 — *Torquette: inside of cod-end view*

- A torquette is a piece of netting fixed inside the cod-end at its rear end. The purpose of a torquette is to improve the closing of the cod-end by the codline. Where the meshes from the cod-end are bunched up by the closure of the codline, a significant hole is sometimes left at the middle. The torquette effectively stops up the hole, preventing smaller fish from escaping.

(o) **Median lacing of a trouser cod-end** ⁽³⁶⁵⁾

- Occasionally, a cod-end may be split in two, in order to make heavy catches easier to handle. This can be achieved by joining lengthwise the upper and lower halves of a cod-end to form a trouser cod-end, as suggested in the regulation, although normally the two halves will be separated for ease of handling.

Part C. Data and information sources

The logbook will not normally contain any information regarding attachments fitted to the gear.

Part D. Methodology

- The inspector should examine the gear to the extent required to identify any attachments to the gear and record his findings. This information will then allow the inspector to decide on the appropriate course of action to take, insofar as what parameters of the attachments will need to be ascertained, in order to check on the legality of the attachments.

⁽³⁶³⁾ Article 13 of Commission Regulation (EEC) No 3440/84.

⁽³⁶⁴⁾ Article 14 of Commission Regulation (EEC) No 3440/84.

⁽³⁶⁵⁾ Article 15 of Commission Regulation (EEC) No 3440/84.

Chapter 4.1.5 — Identify selectivity of fishing gear

Part A. Introduction

Current legislation requires escape panels to be fitted in certain gears in specified fisheries. The purpose of these panels is to allow the escape of non-target species, normally gadoids⁽³⁶⁶⁾, which tend to rise when in the net. In addition, escape panels in the cod-end may assist the release of smaller specimens of target or non-target species. Sorting grids are sometimes used in small-mesh nets targeting crustaceans, to allow the escape of white fish.

Escape panels may also be fitted voluntarily by the fishermen, to avoid the capture of unwanted species. As discards have risen in importance in the political agenda selectivity has become more of an issue. As a consequence Member States at the behest of or in partnership with the local fishing industry have sought local solutions to discards. This in practice has meant the introduction of selectivity measures that are not necessarily detailed in European Union regulations. These local solutions are legalised usually through an implementing regulation, and may have a time constraint.

Part B. Concepts and definitions

(a) Escape panels

- Headline panel

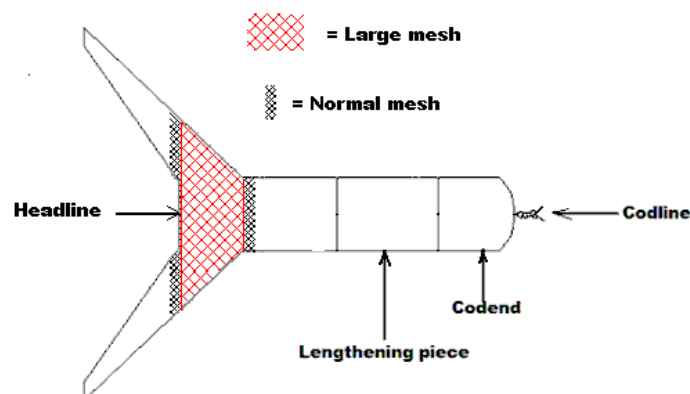


Figure 82 — Position of headline panel in a trawl or seine

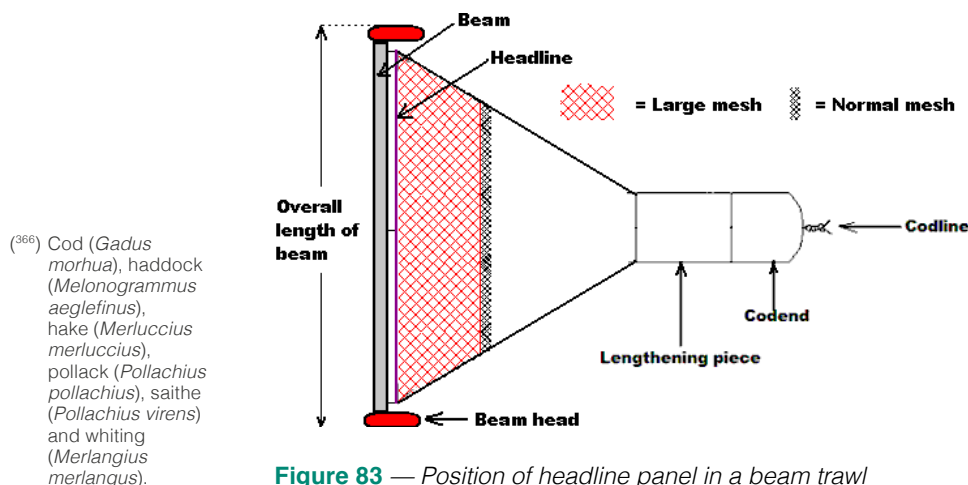


Figure 83 — Position of headline panel in a beam trawl

A headline panel is a panel of large-mesh diamond netting attached directly or close to the headline of a towed net; possible positions of such panels are shown in Figures 82 and 83.

- Square mesh panel

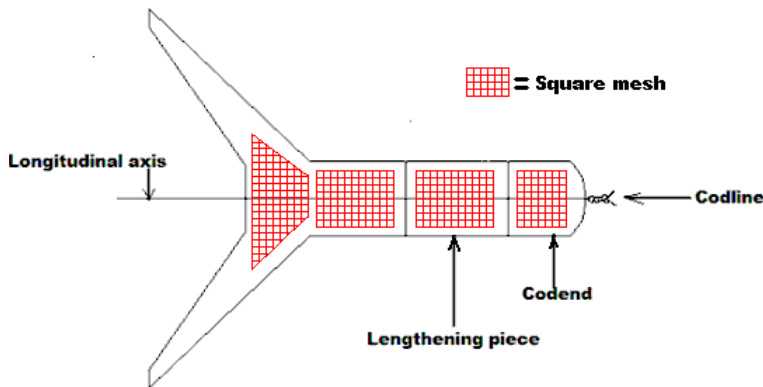


Figure 84 — Possible positions of square mesh panels

A square mesh panel (SMP) is a panel of netting made up of square mesh netting, which is a construction of netting mounted so that of the two sets of parallel lines formed by the mesh bars, one set is parallel to, and the other at right angles to, the long axis of the net ⁽³⁶⁷⁾.

The panel must be placed in the top half of the net and may be sited in front of the lengthening piece or anywhere between the front of the lengthening piece and the rear of the cod-end ⁽³⁶⁸⁾.

- Sorting grids

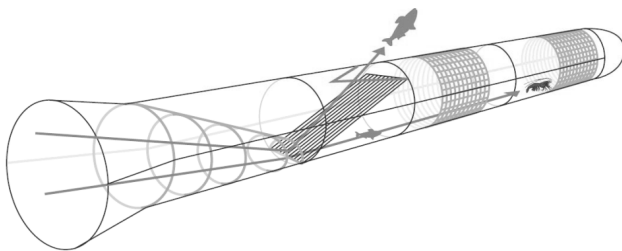


Figure 85 — Sorting grid

Sorting grids are normally used to allow the escape of unwanted fish, usually larger specimens in fisheries targeting crustaceans. A grid is generally made up of a set of parallel vertical bars (Figure 85) set at a uniform distance apart, the distance depending on the target species.

⁽³⁶⁷⁾ Article 3(d) of Council Regulation (EC) No 850/98.

⁽³⁶⁸⁾ Article 7(2)(a) of Council Regulation (EC) No 850/98 and Annex I(B)(3) to Council Regulation (EC) No 1967/2006.

(b) **Environmental features**

- Acoustic deterrent devices



Figure 86 — A selection of acoustic devices

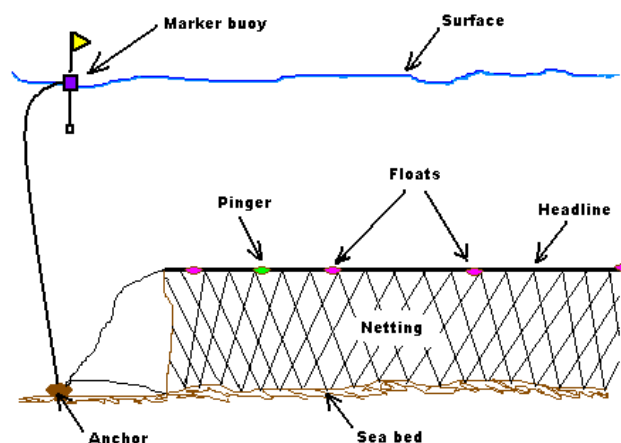


Figure 87 — Mounting of pinger on gillnet

Current legislation requires that, in certain areas, some bottom-set gillnets and driftnets are fitted with acoustic deterrent devices ⁽³⁶⁹⁾. These devices emit a signal at frequencies designed to drive cetaceans (whales, dolphins and porpoises) away from the gear. They are normally referred to as 'pingers'. Figure 86 shows a range of such devices and Figure 87 shows a typical arrangement for mounting a pinger on a bottom-set gillnet.

- Bird-scaring devices

Seabirds can be accidentally caught by fishing gear; the most common occurrence is when birds take the baited hooks during the setting of long lines. This can be minimised by a variety of devices including:

- streamer lines, sometimes called tori lines, where a line containing cloth strips or reflectors is streamed above the long line being set;
- water cannon making a covering spray above the long line;
- acoustic scarers.

⁽³⁶⁹⁾ Article 2 of and Annex 1 to Council Regulation (EC) No 812/2004.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

At present, there is no legal obligation for the fishermen to use such devices in EU waters.

Part C. Data and information sources

The logbook will not normally contain any information regarding selectivity devices fitted to the gear.

Part D. Methodology

The inspector should ascertain the following parameters for any devices found in the gear; these findings will subsequently be used to check the legality of the gear:

(a) **Escape panels**

- **Headline panel**
 - Mesh size
 - Depth of panel in meshes
 - Distance from headline in meshes
 - Overall length of beam (beam trawls only)
- **Square mesh panel**
 - Mesh size
 - Position in net
 - The length of the panel in the direction of the longitudinal direction of the net
 - The type of netting in the panel
 - The taper of the panel in the direction of the longitudinal direction of the net
 - Distance of the panel from selvages (in meshes)
- **Sorting grids**
 - Position in net
 - Distance between bars (in millimetres)

(b) **Environmental features**

- **Acoustic deterrent devices**
 - Mesh size of net
 - Length of net, measured as the total length of the headline
 - Distance between individual pingers, i.e. the spacing of the pingers
 - Position of pingers at each end of the net, i.e. is there a pinger placed at each end of the net?
 - As regards the technical parameters of pingers (listed in Annex 4), the inspector is unlikely to have the technical expertise to ascertain these and it is better to note the type of pinger and to see if it is on a list approved by the relevant Member State, bearing in mind that the Member State can approve devices not complying with the requirements laid down in the regulation ⁽³⁷⁰⁾.

⁽³⁷⁰⁾ Article 3(2) of Council Regulation (EC) No 812/2004.

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

Chapter 4.1.6 — Identify gear marking

Part A. Introduction

Current legislation requires certain gears (passive gear and beam trawls) to be marked, in order to identify the vessel using the gear ⁽³⁷¹⁾. These requirements apply to all EU vessels fishing in EU waters. There are further requirements when passive gear is deployed outside of 12 nautical miles measured from the base lines of the coastal Member State.

In addition, any craft carried on board an EU fishing vessel and fish-aggregating devices must be marked with the external registration of the fishing vessel(s) which use them ⁽³⁷²⁾.

Part B. Concepts and definitions

(a) **Base lines**

- A base line is a line on the coast from which the breadth of the territorial sea is measured ⁽³⁷³⁾.

(b) **Passive gear**

- Passive gear means any fishing gear the catch operation of which does not require an active movement of the gear, including: gillnets, entangling nets, trammel nets, trap nets, drifting nets, long lines, lines, pots and traps ⁽³⁷⁴⁾.

(c) **Beam trawl**

- Beam trawl means any towed trawl in which the mouth of the trawl is held open by a beam or similar device, irrespective of whether they are supported or not when dragged along the seabed ⁽³⁷⁵⁾.

(d) **Labels**

- A label is an item made of durable material which is securely fixed to the gear and is at least 65 mm broad and 75 mm long ⁽³⁷⁶⁾. It shall carry the external registration of the vessel to which the gear belongs and there shall be one such label at intervals of no more than 1 nautical mile along the whole length of the gear ⁽³⁷⁷⁾.

(e) **Marker buoys**

- Marker buoys are poles fitted with a flotation device and held upright in the water by a weight; the top of the pole will carry flags, luminous bands and flashing lights, the characteristics of which will depend on the position of the buoy in relation to the net, as described in Figure 88.

(f) **Fish-aggregating devices (FAD)**

- These devices are floating rafts used to attract shoals of pelagic fish; the mechanism appears to be that the FAD provides shelter for smaller fish, which in turn attract larger predatory species. FADs can either be anchored to the seabed or free-floating; the most common are free-floating FADs used to attract tuna which are then caught by purse seine.

⁽³⁷¹⁾ Article 9(1) of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁷²⁾ Article 8 of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁷³⁾ Article 76(1) of UNCLOS.

⁽³⁷⁴⁾ Article 2(6) of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁷⁵⁾ Article 2(7) of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁷⁶⁾ Article 12 of Commission Implementing Regulation (EU) No 404/2011.

⁽³⁷⁷⁾ Article 11 of Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

(g) **Auxiliary craft**

- An auxiliary craft is any craft carried aboard a fishing vessel and used to assist in the fishing operation. Most commonly, this will be a skiff used by a purse seiner to assist with the setting and closing of the seine.

(h) **External registration**

- External registration is the unique set of letters and numbers assigned to the vessel and entered in the Community fleet register. These letters and numbers will normally be displayed on the hull of the fishing vessel.

Part C. Data and information sources

The logbook will contain details of the type of gear in use and the external identification of the vessel. It may also contain details of the length of any gillnets in use.

Part D. Methodology

The inspector should ascertain the following parameters for any markings found on the gear and/or any FAD or auxiliary craft; these findings will subsequently be used to check the legality of the markings:

(a) **Beam trawls**

- Fishing vessel's external registration
- Correct external registration on beam

(b) **Marking of auxiliary craft and fish aggregating devices**

- Correct external registration on craft or device

(c) **Passive gear**

- Fishing vessel's external registration
- Labels:
 - correct external registration on label,
 - durability and security,
 - length and breadth,
 - position of labels relative to gear geometry,
 - spacing of labels (when gear extends for more than 1 nautical mile).
- Buoys:
 - correct external registration on buoy,
 - legibility of marking,
 - position of buoys relative to gear (eastern/western end, intermediary),
 - physical attributes (lights, flags, luminous bands).

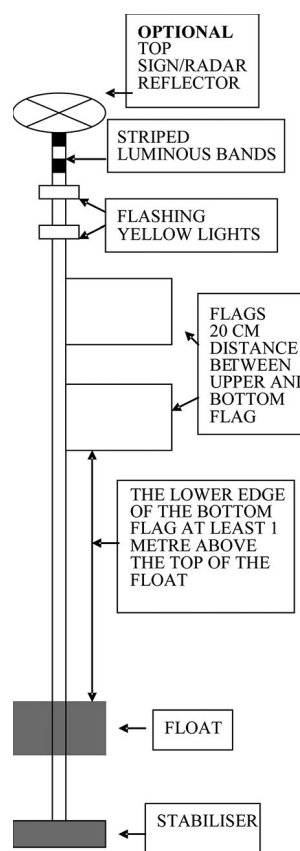


Figure 88 — Characteristics of a marker buoy

- Technical details of marker buoys ⁽³⁷⁸⁾

— *Western end marker buoys*

A diagram of a western marker buoy is shown in Figure 89. Such a buoy shall be coloured, but may not be red or green, and shall carry the following attributes:

- Two rectangular flags of the same size; the distance between the flags shall be at least 20 cm and the distance between the lowest edge of the bottom flag and the sea surface shall be at least 1 m. The colour of the flags shall be the same colour as the flag marking the eastern end of the same gear, and shall not be white.
- Two flashing yellow lights, flashing every 5 seconds (F1 Y 5s), which shall be visible for at least 2 nautical miles.
- Two striped luminous bands, at least 6 cm wide, which shall be neither red nor green.

— *Eastern end marker buoys*

A schematic of an eastern marker buoy is shown in Figure 90. Such a buoy shall be coloured, but may not be red or green and shall carry the following attributes;

- One rectangular flag; the distance between the lowest edge of the flag and the sea surface shall be at least 1 m. The colour of the flag shall be the same colour as the flags marking the western end of the same gear, and shall not be white.
- One flashing yellow light, flashing every 5 seconds (F1 Y 5s), which shall be visible for at least 2 nautical miles.
- One striped luminous band, at least 6 cm wide, which shall be neither red nor green.

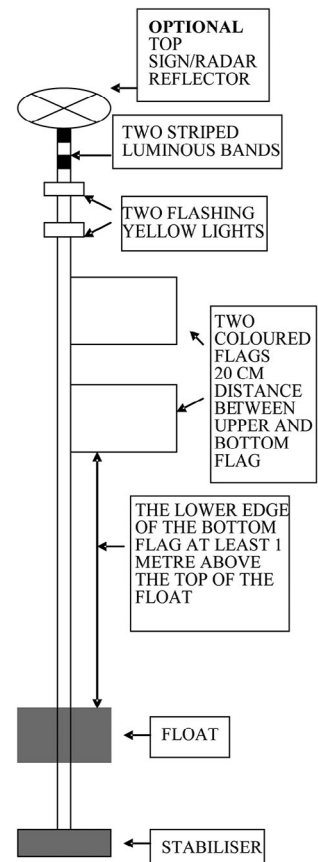


Figure 89 — *Western end marker buoy*

⁽³⁷⁸⁾ Article 13 of and Annex IV to Commission Implementing Regulation (EU) No 404/2011.

— Intermediary marker buoys

A schematic of an intermediary marker buoy is shown in Figure 91. Such a buoy shall be coloured, but may not be red or green and shall carry the following attributes:

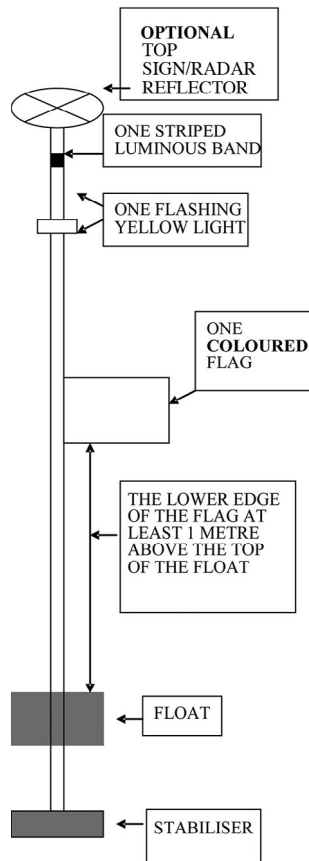


Figure 90 — Eastern end marker buoy

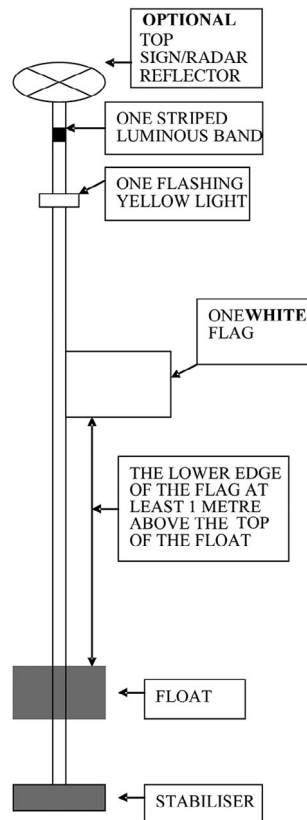


Figure 91 — Intermediary marker buoy

- One rectangular flag; the distance between the lowest edge of the flag and the sea surface shall be at least 1 metre. The colour of the flag shall be white.
- One flashing yellow light, flashing every 5 seconds (F1 Y 5s), which shall be visible for at least 2 nautical miles.
- One striped luminous band, at least 6 cm wide, which shall be neither red nor green.

Intermediary buoys shall be placed in passive gear which extends more than 5 nautical miles and shall be placed at distances of not more than 5 nautical miles, in such a way that no part of the gear which extends more than 5 nautical miles is left unmarked.

In the Baltic Sea, this requirement is reduced from 5 to 1 nautical miles and every fifth intermediary buoy must be fitted with a radar reflector giving an echo of at least 2 nautical miles.

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

Chapter 4.1.7 — Prohibited methods of fishing

Part A. Introduction

In order to protect certain species or the marine environment, there are certain gears and practices which are prohibited or their use is prohibited for the taking or offering for sale of certain species or within certain areas.

Part B. Concepts and definitions

The following methods of fishing are prohibited, either as a total prohibition or as a prohibition linked to certain species or areas. However, the inspector should be aware that occasionally a vessel or a group of vessels may be granted a derogation to use such prohibited methods, normally for research purposes. In such cases, the vessel will carry a document outlining the conditions of the derogation and the issuing authority.

An example of this was a derogation granted by the European Commission to a small number of Dutch beam trawlers to pilot a scheme to use electricity as a substitute for heavy tickler chains.

(a) **Poisons**

- These are substances which kill marine organisms, thus making them easier to harvest. They are described as either poisonous or toxic substances.

(b) **Stupefying products**

- These are substances which impair the mobility of marine organisms, thus making them easier to harvest. They are described as either stupefying or soporific substances.

(c) **Corrosives**

- These are substances which damage marine organisms, thus making them easier to harvest.

(d) **Electricity**

- Electricity can be used to kill or stun marine organisms, thus making them easier to harvest; it may be used either in the water column or, more frequently, on the seabed.

(e) **Explosives or substances which can explode when mixed**

- These are substances which produce an explosion to kill or stun marine organisms, thus making them easier to harvest.

(f) **Projectiles**

- These are any devices which can be launched, either mechanically or manually; examples are harpoons and spears.

(g) **Towed devices**

- These are devices which can be towed across the seabed, such as dredges.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

(h) **Pneumatic hammers**

- These are devices powered by air pressure, used to break up rocks or other benthic matter.

(i) **St Andrew's cross**

- This is a device used to harvest marine organisms from the seabed, as shown in Figure 48, which is dragged across the seabed and tangles parts of coral in clumps of net suspended from a cross-shaped structure.

Part C. Data and information sources

As these methods are prohibited, it is highly unlikely that they will be recorded in the logbook.

Part D. Methodology

The inspector should identify any substances or devices which could be deemed as prohibited, bearing in mind that the prohibitions or restrictions vary by fishing area. These regional prohibitions are as follows:

(a) **Baltic Sea**

- Explosives, poisonous or stupefying substances, electric current or any kind of projectile may not be used for the purpose of catching fish ⁽³⁷⁹⁾.

(b) **Regions 2 and 3**

- The catching of marine organisms by using explosives, poisonous or stupefying substances or electric current is prohibited ⁽³⁸⁰⁾. The inspector should be aware that some beam trawlers are operating using electric pulses instead of tickler chains. This is being done under a derogation issued by the European Commission and any such vessels should carry on board documentary evidence of being in receipt of such a derogation.
- The sale, display or offer for sale of marine organisms caught using any kind of projectile is prohibited ⁽³⁸¹⁾.

(c) **Mediterranean Sea**

- The following shall not be used for fishing or kept on board ⁽³⁸²⁾:
 - toxic, soporific or corrosive substances;
 - electric shock generators;
 - explosives or substances that can explode when mixed;
 - towed devices for harvesting corals or coral-like organisms;
 - pneumatic hammers or other percussive instruments for the collection of bivalve molluscs;
 - St Andrew's cross and similar grabs for harvesting corals or coral-like organisms.

⁽³⁷⁹⁾ Article 23 of Council Regulation (EC) No 2187/2005.

⁽³⁸⁰⁾ Article 31(1) of Council Regulation (EC) No 850/98.

⁽³⁸¹⁾ Article 31(2) of Council Regulation (EC) No 850/98.

⁽³⁸²⁾ Article 8 of Council Regulation (EC) No 1967/2006.

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

ANNEX 1: FAO gear codes

NB: Although referred to as FAO codes in EU legislation, their correct title is: International Standard Statistical Classification of Fishing Gear (ISSCFG)

Table 2 — FAO gear codes

| Fishing gear description | CODE |
|---|------|
| SURROUNDING NETS | |
| Surrounding net with purse line (purse seine) | PS |
| One boat-operated purse seine | PS1 |
| Two boat-operated purse seine | PS2 |
| Surrounding net without purse line (lampara) | LA |
| BOAT SEINE NETS | |
| Danish seine | SDN |
| Scottish seine | SSC |
| TRAWL NETS | |
| Beam trawl | TBB |
| Bottom otter trawl | OTB |
| Bottom pair trawl | PTB |
| Nephrop trawl | TBN |
| Shrimp trawl | TBS |
| Bottom trawl (not specified) | TB |
| Midwater otter trawl | OTM |
| Midwater pair trawl | PTM |
| Nephrop trawl | TBN |
| Midwater trawl (not specified) | TM |
| Otter twin trawl | OTT |
| Otter trawl (not specified) | OT |
| Pair trawl (not specified) | PT |
| Other trawl (not specified) | TX |
| DREDGES | |
| Boat dredges | DRB |
| GILLNETS AND ENTANGLING NETS | |
| Bottom-set gillnets | GNS |
| Driftnets | GND |
| Trammel nets | GTR |
| Combined gillnets and trammel nets | GTN |
| Gillnets and entangling nets (not specified) | GEN |
| Gillnets (not specified) | GN |
| TRAPS | |
| Pots | FPO |
| Traps (not specified) | FIX |
| HOOKS AND LINES | |
| Bottom-set long lines | LLS |
| Drifting long lines | LLD |
| Long lines (not specified) | LL |
| Hooks and lines (not specified) | LX |

| | |
|---|-------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

ANNEX 2: Technical specification of the electronic mesh gauge

EU legislation ⁽³⁸³⁾ lays down the technical specification of the gauge; the mesh gauge shall:

- automatically apply a longitudinal measuring force when measuring the mesh size of fishing nets;
- have two jaws, one fixed and one movable, each 2 mm thick with rounded edges with a radius of 1 mm to ensure that the jaws slip easily over the twine;
- be electrically driven or if battery powered it shall be capable of making 1 000 consecutive mesh measurements before requiring to be recharged;
- be able to apply selected longitudinal forces, in the range 5–180 N, to the meshes with a precision of 1 N;
- have a built-in system for measuring the applied force;
- be capable of stretching a mesh at a constant speed of 300 ± 30 mm/minute by the movable jaw;
- be able to measure meshes from 10 to 300 mm and have detachable jaws for use on small and large meshes;
- have a measurement precision of 1 mm;
- have a structure which is rigid and shall not be distorted under load;
- be light yet robust and weighing no more than 2.5 kg;
- be made of materials resistant to corrosion under marine conditions;
- be water resistant and unaffected by dust to standard IP56;
- be stable in operation over a temperature range of -10 to $+45$ °C;
- be able to withstand temperatures between -30 and 70 °C during storage and transportation;
- be controlled by software which should provide a menu of functions and enable the gauge to self-test the electronic and mechanical parts when started;
- display that the gauge is ready for use and, if not, display an error message, close down and cease operating;
- be possible to operate with one hand and the functions must be accessed via external buttons;
- show data on an integral display and present each measurement, the number of measurements made in a series, and the mean value in millimetres;
- store the data of at least 1 000 measurements in its memory and be able to transmit data to a computer;
- contain a function to calculate the mean mesh size rounded to the nearest 0.1 mm;
- incorporate software having a function to automatically select the largest diagonal of each mesh to calculate the mean mesh size of the square mesh netting;
- save the data of all measurements made.

Because most netting stretches when a measuring force is applied to it, thereby decreasing the measuring force, an algorithm is built into the software of the gauge, to bring the

⁽³⁸³⁾ Annex III to Commission Regulation (EC) No 517/2008.

| | |
|--------------------|---|
| Module 4 | Conformity of gear |
| Section 4.1 | Identify and examine gear in use and any other on board |

measuring force back up to its original predetermined value, if the force drops by more than 20 %. In order to achieve this, the gauge must be able to:

- extend the movable jaw into the mesh at a constant speed of 300 ± 30 mm/minute, until the measurement force is reached;
- stop the motor and wait for 1 second;
- if the force drops below 80 % of the pre-set measurement force, extend the movable jaw into the mesh until the measurement force is reached once more.

ANNEX 3: Technical specification of the twine thickness gauge

EU legislation ⁽³⁸⁴⁾ lays down the technical specification of the gauge; the mesh gauge shall:

- be made of durable, non-corrosive material able to withstand a harsh marine environment and be manufactured in accordance with the specifications;
- have edges around the circumference of each side of the circular hole for assessing the thickness of the twine (the hole) rounded to avoid abrasion when the twine is pulled through the hole to test legality;
- be constructed with the nose of the pliers rounded to facilitate inserting the jaws between double twines;
- have jaws with parallel action that are sufficiently strong to prevent deformation of the jaws during any reasonable use, bearing in mind that the jaws have to be squeezed closed with manual force during every measurement;
- have the inside faces of the jaws milled to leave a 0.5 mm gap for a distance of 1 mm on either side of the hole when the jaws are closed in order to avoid single filaments of material protruding from braided or twisted construction being trapped in the flat surfaces of the jaws on each side of the hole in which the twine is seated;
- have, when the jaws are closed, the diameter of the circular hole marked in millimetres on one of the jaws, adjacent to the hole; the jaws are closed when the surface of both internal sides of the jaws touch each other and are flush;
- have both the handle and the jaws marked 'EC gauge';
- have a tolerance for the hole diameter of $0 + 0.1$ mm;
- be conveniently portable so that a set of four (4 mm, 5 mm, 6 mm, and 8 mm) gauges may be carried by an inspector during vessel to vessel transfer at sea;
- if gauges are of different sizes, be easily identifiable;
- be easy to insert between double twine. After the gauge has been inserted into position, it shall be capable of easy operation with one hand.

⁽³⁸⁴⁾ Annex III to Commission Regulation (EC) No 517/2008.

| | |
|---|--------------------|
| Conformity of gear | Module 4 |
| Identify and examine gear in use and any other on board | Section 4.1 |

ANNEX 4: Technical specifications and conditions of use of acoustic deterrent devices:

Any acoustic deterrent devices used shall meet one of the following sets of signal and implementation characteristics ⁽³⁸⁵⁾:

| | SET 1 | SET 2 |
|---|---|---|
| | Signal characteristics | |
| Signal synthesis | Digital | Analogue |
| Tonal/wide band | Wide band/tonal | Tonal |
| Source levels (max.–min.) re 1 mPa@1m | 145 dB | 130–150 dB |
| Fundamental frequency | (a) 20–160 KHz wide band sweeps (b) 10 kHz tonal | 10 kHz |
| High-frequency harmonics | Yes | Yes |
| Pulse duration (nominal) | 300 ms | 300 ms |
| Interpulse interval | (a) 4–30 seconds randomised; (b) 4 seconds | 4 seconds |
| | Implementation characteristics | |
| Maximum spacing between two acoustic deterrent devices along nets | 200 m, with one acoustic device fixed at each end of the net (or combination of nets attached together) | 100 m, with one acoustic device fixed at each end of the net (or combination of nets attached together) |

⁽³⁸⁵⁾ Article 2(1) and Annex II of Council Regulation (EC) No 812/2004.

APPENDIX 1: Bibliography

- Nédélec, C. and Prado J., 'Definition and classification of fishing gear categories', FAO Fisheries Technical Paper No 222, Revision 1, FAO, Rome, 1990.

APPENDIX 2: Links and references

None.

APPENDIX 3: Legislation

- Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets.
- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland.
- Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98.
- Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.
- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94.
- Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.
- United Nations Convention on the Law of the Sea.

| | |
|--------------------------|--------------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

Section 4.2 Check conformity of gear

Coverage: EU waters, all fisheries, all gears

Objective(s)

This module will lead the trainee through the processes involved in identifying the type of fishing gear in use or on board and establishing the legality of the gear.

The module will assist the trainee to complete points 58-63 of the minimum information required for the completion of inspection reports ⁽³⁸⁶⁾.

Overview

The conservation of fish stocks is a key element of the common fisheries policy; there is a complex and varied set of regulations governing the use of fishing gear and stipulating the dimensions of the gear in relation to the mesh size, the twine thickness and the geometry of the gear. The overall purpose of these regulations is to ensure that the capture of both juvenile and unwanted fish is minimised as far as is practicable.

The geometry of the gear can influence both the size of fish retained and the species retained.

In some fisheries, the amount of gear which can be used is restricted, in order to limit the effort on these fisheries.

Some gears must be marked, in order to identify the vessel using the gear.

Some gears may carry devices designed to scare off marine mammals or seabirds, to avoid their accidental capture.

This section will lead the trainee through the processes involved in establishing the legality of the gear in use or on board.

Entry requirements

Trainees should have knowledge of gear types, net construction and technology and be able to establish the relevant parameters associated with the gear. This can be achieved by completing Section 1.4.1 'Identify and examine gear in use and any other on board'.

⁽³⁸⁶⁾ Article 115 and points 58-63 of Module 1 of Annex XXVII to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

Chapter 4.2.1 — Compare gear in use with the information recorded by the master

Part A. Introduction

Current legislation requires that, if it is compulsory that a logbook be kept, then the master of a fishing vessel must declare the type of gear in use and, in some cases, certain parameters associated with the gear. This information must be recorded in the logbook, either in the ERS ⁽³⁸⁷⁾ or paper ⁽³⁸⁸⁾ format.

Part B. Concepts and definitions:

(a) Recording of gear: paper logbook

- Current legislation requires that the logbook shall contain information on the type of gear, mesh size and dimension. However, with the exception of certain conditions under recovery measures, the recording of the dimensions of the gear (other than mesh size, where applicable) is not mandatory. Figure 92 shows a typical logbook entry for a vessel using beam trawls (entry number 8) of 80 mm mesh size (entry number 9). The master has also filled in the size of the gear as being two beam trawls of beam length 9 m each (entry number 10).
- For the Mediterranean, an alternative model of logbook may be used; an example is shown in Figure 93, where the master has declared the gear as a bottom otter trawl of mesh size 50 mm.

| | | | |
|---|-----------------------------------|--|---------------|
| No | EUROPEAN UN | | |
| Name of vessel(s) (1) <u>SEAGULL</u> | | External identification (2) <u>BM 505</u> | |
| International Radio call sign (s) (1) <u>G U S 2 5 1</u> | | | |
| Gear (8) 1 <u>TBB</u> 1 | Mesh size (9) 1 <u>80 mm</u> 1 | Dimension (10) 1 <u>2 x 9 m</u> 1 | |
| Date (11) | Number of fishing | Fishing time | Position (14) |

Figure 92 — Logbook gear entry

⁽³⁸⁷⁾ Articles 14(2) and 15(1) of Council Regulation (EC) No 1224/2009 and Annex X to Commission Implementing Regulation (EU) No 404/2011.

⁽³⁸⁸⁾ Article 14(2) of Council Regulation (EC) No 1224/2009 and Articles 29, 31(1), 31 and 33 of and Annexes VI, VII and X to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

| | | | | | | |
|----------------------------------|----------------------------|--------------------------------|--------------------|-------------------------------|----------------------------|-----------|
| No | Internal fleet register No | | | | | |
| (1)(7) Name of vessel(s) | (1)(7) Radio call sign | (2)(7) External identification | (3) Name of master | | | |
| LE MOINEAU | FBRZ | ST-361059 | LE PETIT | | | |
| Pair trawler | | | Address | | | |
| (7) Transhipment | | | POB CORB, 4. SBTB | | | |
| (15) Catches by species retained | | | | | | |
| (8) Gear | (10) Dimensions | Number | (9) Mesh size | (12) No of fishing operations | (13) Trawling/soaking time | (14) Fish |
| OTB | | | 50 mm | | | |

Figure 93 — Mediterranean logbook gear entry

(b) Recording of gear: ERS

- Current legislation requires that the ERS shall contain information on the type of gear, mesh size and dimension. However, the recording of the dimensions of the gear (other than mesh size, where applicable) is only mandatory for certain gears in certain fisheries.
- The main elements which will be recorded in the ERS are gear type and mesh size (where applicable). Optional information on gear dimensions may also be given ⁽³⁸⁹⁾.

Part C. Data and information sources

The logbook will contain the master's declaration of the type of gear in use and, where applicable, the mesh size.

The FAO alphanumeric codes for each gear are listed in Annex 1 ⁽³⁹⁰⁾.

The inspector will have already established, by inspection, the type of gear in use and, where applicable, the determined mesh size.

Part D. Methodology

Having both the information from the physical inspection of the gear and the logbook, the inspector can now compare the two, to ensure that the correct gear type has been declared by the master and, where applicable, the correct mesh size.

⁽³⁸⁹⁾ Annex X to Commission Implementing Regulation (EU) No 404/2011.

⁽³⁹⁰⁾ Annex XI to Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

Chapter 4.2.2 — Check the legality of gear combinations

Part A. Introduction

In order to protect juvenile fish, technical measures have been put in place such as on the mesh sizes of fishing gears which may be used to target certain species. Gears have been split into different mesh size ranges, which correspond to limitations in catch compositions laid down by the relevant regulations. However, industry practices are such that different species may be targeted by different size gears during a fishing voyage. To this end, certain gear combinations are sometimes permitted to be carried on board a vessel. Any gear which is not part of a permitted combination must be stowed in such a way that it cannot be readily used for fishing; this requirement is to reduce the risk of small-mesh gear being used for the illegal capture of certain species.

Part B. Permitted gear combinations

(a) Baltic Sea

Where any gear is used for which cod (*Gadus morhua*) is defined as a target species, no other type of gear shall be kept on board ⁽³⁹¹⁾. Therefore, when any of the gears from the following table is being used, then no other type of gear should be found on board.

Table 19 — Baltic cod gears (see also Chapter 4.2.5, Part B(b))

| Gear type | Mesh size (in mm) |
|--|--------------------|
| Trawls, Danish seines and similar gear | ≥ 105 |
| Gillnets, entangling nets and trammel nets | $110 \leq & < 156$ |
| Gillnets, entangling nets and trammel nets | ≥ 157 |

(b) Regions 2 and 3

The use, during any fishing voyage, of any combination of towed nets of more than one range of mesh size is prohibited, with the exceptions contained in Annexes VIII to XI to Council Regulation (EC) No 850/98.

- The master of a fishing vessel who is not required to complete a logbook shall not use during a single voyage any combination of towed nets of more than one range of mesh size within Union fishing waters ⁽³⁹²⁾.
- Vessels may carry on board during any fishing voyage any combination of towed nets of mesh size ranges, provided that all such nets are lashed and stowed ⁽³⁹³⁾ in accordance with the following conditions:
 - Nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes ⁽³⁹⁴⁾.
 - Nets which are on or above deck shall be securely lashed and stowed ⁽³⁹⁵⁾.
 - Any towed net which is not lashed and stowed in accordance with the aforementioned provisions shall be considered to be in use ⁽³⁹⁶⁾.
- Whenever more than one net is towed simultaneously by a fishing vessel or by more than one fishing vessel, each net shall be of the same mesh size range ⁽³⁹⁷⁾. In practice this means that vessels which tow multiple gears, such as beam trawlers or multiple rig trawlers, must tow gears in the same mesh size range.

⁽³⁹¹⁾ Article 13(3) of and Annexes II and III to Council Regulation (EC) No 2187/2005.

⁽³⁹²⁾ Article 4(2)(c) of Council Regulation (EC) No 850/98.

⁽³⁹³⁾ Article 4(2)(d) of Council Regulation (EC) No 850/98.

⁽³⁹⁴⁾ Article 47(a) of Council Regulation (EC) No 1224/2009.

⁽³⁹⁵⁾ Article 47(b) of Council Regulation (EC) No 1224/2009.

⁽³⁹⁶⁾ Article 4(2)(d) of Council Regulation (EC) No 850/98.

⁽³⁹⁷⁾ Article 4(2)(e) of Council Regulation (EC) No 850/98.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

- Within ICES Division VIIIc, it is prohibited to carry on board simultaneously pelagic trawls and purse seines ⁽³⁹⁸⁾.

(c) Mediterranean Sea

- Mediterranean Sea

For vessels using towed gears to target species other than sardines (*Sardina pilchardus*) or anchovy (*Engraulis encrasicolus*), only two types of gear are authorised, as summarised in Table 2. Only one of these types of gear may be used or kept on board at any time ⁽³⁹⁹⁾.

Table 20 — Mediterranean towed gear types

| Cod-end mesh type | Minimum mesh size in mm |
|-------------------|---|
| Square mesh | 40 |
| Diamond mesh | 50 (of an acknowledged size selectivity that is equivalent to or higher than that of 40 mm square mesh) |

- Black Sea - Region 9

There are currently no restrictions on gear combinations in force in the Black Sea.

Part C. Gear combination methodology

The inspector should establish the legality of any gear combination found on board by performing the following procedure.

- Establish what gear combination, if any, is on board or in use.
- Check that any gear combination found complies with the relevant requirements, bearing in mind the area of operation and, where applicable, any catch composition conditions imposed.
- Due to the complexity of the requirements, the best practice would be for the inspector to be in possession of a summary of these requirements relevant to the area of inspection activities. This would allow the inspector to cross-reference any apparent infringement before taking appropriate enforcement action.

⁽³⁹⁸⁾ Article 23(2) of Council Regulation (EC) 850/98.

⁽³⁹⁹⁾ Article 9(3) of Council Regulation (EC) No 1967/2006, as amended by Article 28(2) of Council Regulation (EU) No 1343/2011.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

Chapter 4.2.3 — Check the legality of the gear geometry

Part A. Introduction

Current legislation requires certain gears in specified fisheries to conform to certain restrictions on either geometry or dimensions, either to ensure that their selectivity is not reduced or to limit the possibility of illegal practices.

Part B. Restrictions on active gear

(a) Towed gear

One of the main influences on selectivity in towed gears is the hanging ratio of the rear of the net; the more meshes there are in a given circumference, the lesser the area presented for the fish to escape. The restrictions on balloon cod-ends, cod-end circumference and the relationship between the circumferences of the cod-end and lengthening piece are all designed to limit this effect.

- Balloon cod-end

A balloon cod-end is where the cod-end tapers from the rear end to the front, i.e. the circumference of the cod-end increases from the front to the rear. The use of a balloon cod-end is prohibited in all EU waters, except the Black Sea, but the method of establishing the cod-end circumference varies by area, as follows:

- Baltic Sea: The cod-end circumference is defined as the number of meshes around the net at right angles to the longitudinal axis of the net, excluding meshes in the joining or selvages ⁽⁴⁰⁰⁾. It is prohibited to use any cod-end in which the number of equal-sized meshes around any circumference of the cod-end increases from the front end to the rear end ⁽⁴⁰¹⁾.
- Regions 2 and 3: The cod-end circumference is defined as the number of meshes around the net at right angles to the longitudinal axis of the net, excluding meshes in the selvages ⁽⁴⁰²⁾. This number must not increase from the front end to the rear of the cod-end; this prohibition applies to all towed nets with a mesh size equal to or greater than 55 mm ⁽⁴⁰³⁾.
- Mediterranean Sea:
 - For diamond mesh cod-ends, the cod-end circumference is defined as the number of meshes in the circumference of the net (excluding the selvages) multiplied by the determined mesh size ⁽⁴⁰⁴⁾. However, the definition of a balloon cod-end refers to the **number** of meshes; it is prohibited to use any cod-end in which the number of equal-sized meshes around any circumference of the cod-end increases from the front end to the rear end ⁽⁴⁰⁵⁾.
 - For square-mesh cod-ends, the cod-end circumference is defined as the number of meshes in the circumference of the net multiplied by the mesh side length ⁽⁴⁰⁶⁾.

- Cod-end circumference

There are regional limitations on the size of the cod-end circumference, as follows:

- Baltic Sea: It is prohibited to use any demersal trawl, Danish seine or similar towed net having more than 100 or less than 40 open diamond meshes in any circumference of the cod-end, excluding the joining and selvages. This provision shall apply to nets of which the mesh size is equal to or greater than 90 mm ⁽⁴⁰⁷⁾.

⁽⁴⁰⁰⁾ Article 6(e) of Council Regulation (EC) No 2187/2005.

⁽⁴⁰¹⁾ Article 6(a) of Council Regulation (EC) No 2187/2005.

⁽⁴⁰²⁾ Article 6 of Council Regulation (EC) No 850/98.

⁽⁴⁰³⁾ Article 6(2) of Council Regulation (EC) No 850/98.

⁽⁴⁰⁴⁾ Article 11(2) of and Annex I(j) to Council Regulation (EC) No 1967/2006.

⁽⁴⁰⁵⁾ Article 11(2) of and Annex I(B)(1) to Council Regulation (EC) No 1967/2006.

⁽⁴⁰⁶⁾ Article 11(2) of and Annex I(k) to Council Regulation (EC) No 1967/2006.

⁽⁴⁰⁷⁾ Article 6(e) of Council Regulation (EC) No 2187/2005.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

- Regions 2 and 3: It is prohibited to have on board or use any demersal trawl, Danish seine or similar towed net having more than 100 meshes in any circumference of the cod-end, excluding the joining and selvages. This provision shall apply to nets of which the mesh size lies within the range 90–119 mm ⁽⁴⁰⁸⁾.
- Mediterranean and Black Seas: No restrictions.

- Relationship between cod-end and lengthening piece

There are regional limitations on the relationship between the circumferences of the cod-end and the lengthening piece, as follows:

- Baltic Sea: The circumference is defined as the number of meshes around the net at right angles to the longitudinal axis of the net, excluding meshes in the joining or selvages ⁽⁴⁰⁹⁾. It is prohibited to use any extension piece in which the circumference at any point is smaller than the circumference of the foremost end of the cod-end to which the extension piece is joined ⁽⁴¹⁰⁾.
- Regions 2 and 3: The circumference is defined as the number of meshes around the net at right angles to the longitudinal axis of the net, excluding meshes in the selvages ⁽⁴¹¹⁾. Any circumference of the lengthening piece shall not be less than the circumference of the front-end of the cod-end; this prohibition applies to all towed nets with a mesh size equal to or greater than 55 mm ⁽⁴¹²⁾.
- Mediterranean Sea:

- Diamond mesh: The circumference is defined as the number of meshes in the circumference of the net (excluding the selvages) multiplied by the determined mesh size ⁽⁴¹³⁾. The circumference of the rearmost part of the trawl body (the tapered section) or of the extension/lengthening piece (the untapered section) shall not be smaller than the circumference of the front end of the cod-end ⁽⁴¹⁴⁾.
- Square mesh: The circumference is defined as the number of meshes in the circumference of the net (excluding the selvages) multiplied by the mesh side length ⁽⁴¹⁵⁾. In practice, it would be easier to measure the length of a number of meshes along the bar direction, to give an average figure for the mesh side length. In the case of square-mesh cod-ends, the circumference of the rearmost part of the trawl body or of the extension/lengthening piece shall be from two to four times the circumference of the front end of the cod-end ⁽⁴¹⁶⁾.

- Black Sea: No restrictions.

- Square-meshed netting

Where square-meshed netting is deployed in towed gear, then it must conform to certain regional requirements, as follows:

- Baltic Sea: Square-mesh netting shall be knotless braided single twine or netting with similar proven selective properties ⁽⁴¹⁷⁾.
- Regions 2 and 3: Any square-mesh panel shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing ⁽⁴¹⁸⁾.
- Mediterranean Sea: Any square-mesh panel shall not be obstructed in any way by either internal or external attachments. It shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing ⁽⁴¹⁹⁾.
- Black Sea: No requirements.

- Mesh geometry

The geometry of the meshes themselves must conform to certain regional requirements, as follows:

⁽⁴⁰⁸⁾ Article 6(a) of Council Regulation (EC) 850/98.

⁽⁴⁰⁹⁾ Article 6(e) of Council Regulation (EC) No 2187/2005.

⁽⁴¹⁰⁾ Article 6(b) of Council Regulation (EC) No 2187/2005.

⁽⁴¹¹⁾ Article 6 of Council Regulation (EC) No 850/98.

⁽⁴¹²⁾ Article 6(3) of Council Regulation (EC) No 850/98.

⁽⁴¹³⁾ Article 11(2) of and Annex I(j) to Council Regulation (EC) No 1967/2006.

⁽⁴¹⁴⁾ Article 11(2) of and Annex I(B)(2) to Council Regulation (EC) No 1967/2006.

⁽⁴¹⁵⁾ Article 11(2) of and Annex I(k) to Council Regulation (EC) No 1967/2006.

⁽⁴¹⁶⁾ Article 11(2) of and Annex I(B)(2) to Council Regulation (EC) No 1967/2006.

⁽⁴¹⁷⁾ Appendix 1(e)(ii) of Council Regulation (EC) No 2187/2005.

⁽⁴¹⁸⁾ Article 7(2)(d) of Council Regulation (EC) No 850/98.

⁽⁴¹⁹⁾ Article 11(2) of and Annex I(B)(3) to Council Regulation (EC) No 1967/2006.

| | |
|--------------------|---------------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

- Baltic Sea: The use of any cod-end not completely composed of diamond or square meshes is prohibited where the mesh size of the cod-end is equal or greater than 32 mm ⁽⁴²⁰⁾.
- Regions 2 and 3: The carrying on board or use of any cod-end not completely composed of diamond or square meshes is prohibited where the mesh size of the cod-end is greater than 31 mm ⁽⁴²¹⁾.
- Mediterranean Sea: The carrying on board or use of any cod-end not completely composed of diamond or square meshes is prohibited except for boat seines where the mesh size of the cod-end is less than 10 mm ⁽⁴²²⁾.
- Black Sea: No requirements.

- Twines: There are regional restrictions on the twines which may be deployed, as follows:

The above restrictions do not apply to pelagic trawls.

- Baltic Sea: The maximum permitted twine thickness for towed gears is as follows ⁽⁴²³⁾:
 - single twine — 6 mm;
 - double twine — 4 mm each twine.
- Regions 2 and 3: The maximum permitted twine thickness for towed gears is as follows ⁽⁴²⁴⁾:
 - single twine — 8 mm;
 - multiple twine — 12 mm in total (the twines should be of approximately the same thickness).

The above restrictions do not apply to the rearmost row of meshes in the cod-end if fitted with a codline.

- Mediterranean Sea:
 - The maximum permitted twine thickness in the cod-end of any towed gear is 3 mm ⁽⁴²⁵⁾.
 - The maximum permitted twine thickness in any other part of towed bottom gear is 6 mm ⁽⁴²⁶⁾.
 - The carrying on board or use of multiple twine netting in any part of the carrying on board or use of multiple twine netting in any part of the cod-end is prohibited.
 - The monofilament or twine diameter of the bottom-set gillnet shall not exceed 0,5 mm ⁽⁴²⁷⁾.

(b) Encircling gear

There are restrictions on the geometry of encircling gears in the Mediterranean only, as follows:

- A purse seine shall not be used where the depth of water is less than 70 % of the overall drop (depth) of the seine itself ⁽⁴²⁸⁾.
- For all surrounding nets, except those used to catch tuna, the maximum length of netting is restricted to 800 m and the maximum drop to 120 m ⁽⁴²⁹⁾.

⁽⁴²⁰⁾ Article 6(c) of Council Regulation (EC) No 2187/2005.

⁽⁴²¹⁾ Article 9 of Council Regulation (EC) No 850/98.

⁽⁴²²⁾ Article 11(2) and Annex I(B)(5) and (6) to Council Regulation (EC) No 1967/2006.

⁽⁴²³⁾ Appendix 2(c) to Council Regulation (EC) No 2187/2005.

⁽⁴²⁴⁾ Article 8 of Council Regulation (EC) No 850/98.

⁽⁴²⁵⁾ Article 11(2) of and Annex I(B)(11) to Council Regulation (EC) No 1967/2006.

⁽⁴²⁶⁾ Article 11(2) of and Annex I(B)(13) to Council Regulation (EC) No 1967/2006.

⁽⁴²⁷⁾ Annex II Article 3 of Council Regulation (EC) No 1967/2006.

⁽⁴²⁸⁾ Article 13(3) of Council Regulation (EC) No 1967/2006.

⁽⁴²⁹⁾ Article 12 of and Annex II(2) of Council Regulation (EC) No 1967/2006.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

Part C. Restrictions on passive gear

(a) Long lines

There are certain restrictions on the geometry of long lines in the Mediterranean Sea only, as follows:

- Size of hooks: The use or keeping on board of long lines with hooks of less than 3.95 cm total length and a width of less than 1.65 cm is prohibited. This prohibition only applies to vessels having on board more than 20 % by live weight of red sea bream (*Pagellus bogaraveo*) ⁽⁴³⁰⁾.
- Number of hooks:
 - Bottom-set long lines ⁽⁴³¹⁾
 - The maximum number of hooks allowed to be used or carried on board is 1 000 per person on board, with a maximum upper limit of 5 000 hooks per vessel.
 - However, for vessels undertaking trips of more than 3 days, the maximum upper limit is increased to 7 000 hooks.
 - Surface-set long lines ⁽⁴³²⁾
 - for vessels having on board more than 70 % by live weight of bluefin tuna (*Thunnus thynnus*), the maximum number of hooks allowed to be used or carried on board is 2 000 hooks per vessel;
 - for vessels having on board more than 70 % by live weight of swordfish (*Xyphias gladius*), the maximum number of hooks allowed to be used or carried on board is 3 500 hooks per vessel;
 - for vessels having on board more than 70 % by live weight of albacore (*Thunnus alalunga*), the maximum number of hooks allowed to be used or carried on board is 5 000 hooks per vessel;
 - however, vessels undertaking trips of more than 2 days may have on board an equivalent number of spare hooks.

(b) Bottom-set nets

There are regional restrictions on the maximum lengths of such nets, as follows:

- Baltic Sea: the maximum length of any gillnet, entangling net or trammel net which may be used is 9 km for vessels of overall length up to and including 12 m, and 21 km for vessels of over 12 m ⁽⁴³³⁾.
- Regions 2 and 3: Use of gillnets in ICES Zones IIIa, IVa, Vb, VIa, VIb, VIIb, c, j, k, VIII, IX, X and XII ⁽⁴³⁴⁾
 - Union vessels shall not deploy gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 m in ICES Zones IIIa, IVa, Vb, VIa, VIb, VII b, c, j, k, and XII east of 27° W, and in ICES zones VIII, IX, X.
 - By way of derogation there are allowances to deploy these gears with a certain mesh size in depths over 200 m but less than 600 m, for a certain immersion time. The ship that deploys these gears must hold a special fixed net fishing permit issued by the flag Member State.

⁽⁴³⁰⁾ Article 10 of Council Regulation (EC) No 1967/2006.

⁽⁴³¹⁾ Article 12 of and Annex II(4) to Council Regulation (EC) No 1967/2006.

⁽⁴³²⁾ Article 12 of and Annex II(6) to Council Regulation (EC) No 1967/2006.

⁽⁴³³⁾ Article 8(1) of Council Regulation (EC) No 2187/2005.

⁽⁴³⁴⁾ Articles 11 and 34b of Council Regulation (EC) 850/98.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

- Mediterranean Sea: the maximum permissible length of bottom-set nets which may be carried aboard or set is governed by certain factors which may include: the type of net, the drop of the net and the number of crew. These conditions may be summarised as follows ⁽⁴³⁵⁾:
 - The maximum drop of a trammel net shall not exceed 4 m.
 - The maximum drop of a bottom-set gillnet net shall not exceed 10 m, except where the net does not exceed 500 m in length, when the maximum depth shall be 30 m.
 - The maximum drop of a combined bottom-set gillnet net shall not exceed 10 m, except where the net does not exceed 500 m in length, when the maximum depth shall be 30 m.
 - The maximum total length of a combined bottom-set gillnet which may be used or carried aboard per vessel shall be 2 500 m. It shall be prohibited to use or carry on board more than 500 m of combined bottom-set gillnet if its drop is greater than 10 m.
 - The maximum total length of trammel net, bottom-set gillnet which may be used or carried aboard per vessel shall be 4 000 m for a single fisherman, with a further 1 000 m for a second fisherman and a further 1 000 m for a third fisherman, up to a maximum of 6 000 m. It shall be prohibited to use or carry on board more than 500 m of bottom-set gillnet if its drop is greater than 10 m.
 - The maximum permitted twine diameter of a bottom-set gillnet or the gillnet part of a combined net is 0.5 mm.
- Region 9, Black Sea: The minimum mesh size for bottom-set gillnets, when used to catch turbot, shall be 400 mm ⁽⁴³⁶⁾.

(c) Traps

In the Mediterranean Sea only, there is a restriction of a maximum number of 250 traps per vessel for the deep-water crustacean fishery ⁽⁴³⁷⁾.

Part D. Gear geometry methodology

The inspector should establish the legality of the gear in regards to its geometry by performing the following procedure.

- Establish whether any restrictions apply to the geometry of the gear, bearing in mind the area of operation, the period and the type of gear in use.
- If any restrictions apply, verify that the gear geometry conforms to the relevant requirements.
- Due to the complexity of the requirements, best practice would be for the inspector to be in possession of a summary of these requirements relevant to the area of inspection activities. This would allow the inspector to cross-reference any apparent infringement before taking appropriate enforcement action.

⁽⁴³⁵⁾ Article 12 of and Annex II(3) to Council Regulation (EC) No 1967/2006.

⁽⁴³⁶⁾ Article 11 a of Council Regulation (EC) No 850/98.

⁽⁴³⁷⁾ Article 12 of and Annex II(5) to Council Regulation (EC) No 1967/2006.

| | |
|--------------------------|--------------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

Chapter 4.2.4 — Check the legality of the attachments

Part A. Introduction

Having identified any attachments to the gear, the inspector will then need to check that they comply with the regulations by measuring the relevant parameters of the attachment and checking these against the legal requirements. These requirements can vary between geographical areas and are identified in the text.

Part B. Measurement of attachments and checking of legality

There are two distinct pieces of legislation which deal with permitted attachments, one for Regions 2 and 3 and the Mediterranean Sea ⁽⁴³⁸⁾ and one for the Baltic Sea ⁽⁴³⁹⁾. However, there are some changes and additions to the permitted attachments in the Mediterranean. To this end, Part B has been subdivided into three sections, dealing with: Regions 2 and 3 and the Mediterranean Sea; additions for the Mediterranean Sea; and the Baltic Sea.

At present, there are no restrictions on attachments for the Black Sea.

The Baltic Sea

(a) Bottom-side chafer

- **Legal requirements** ⁽⁴⁴⁰⁾: Bottom-side chafers may be attached only to the outside of the lower half of the cod-end. They may be fastened only at their front and side edges.
- **Methodology**: The inspector should verify that the chafer(s) are only on the outside of the cod-end on the bottom section and that the chafer(s) are not connected at the rear edge. NB: Bottom-side chafers can be made of any material, including small-mesh netting, and the inspector should not be sidetracked into thinking that such netting is illegal.

(b) Strengthening bag

- **Legal requirements** ⁽⁴⁴¹⁾
 - Strengthening bags may be attached only to cod-ends with a mesh size of less than 90 mm.
 - The mesh size of the strengthening bag must be at least twice that of the cod-end and in no case less than 80 mm.
- **Methodology**: The inspector should verify that:
 - the cod-end has a mesh size of less than 90 mm;
 - the mesh size of the strengthening bag is at least twice that of the cod-end and in any case not less than 80 mm.

(c) Flapper

- **Legal requirements** ⁽⁴⁴²⁾
 - The distance from the point of forward attachment of the flapper to the rear end of the cod-end shall be at least three times the length of the flapper.
- **Methodology**: The inspector should verify that:
 - the distance from the point of forward attachment of the flapper to the rear end of the cod-end is at least three times the length of the flapper. No methodology for the determination of length is given in the legislation; common sense would dictate that the same methodology should be used for the determination of both the lengths;

⁽⁴³⁸⁾ Commission Regulation (EEC) No 3440/84.

⁽⁴³⁹⁾ Council Regulation (EC) No 2187/2005.

⁽⁴⁴⁰⁾ Article 5(2) of Council Regulation (EC) No 2187/2005.

⁽⁴⁴¹⁾ Article 5(3) of Council Regulation (EC) No 2187/2005.

⁽⁴⁴²⁾ Article 5(4)(a) of Council Regulation (EC) No 2187/2005.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

(d) **Sensors**

The use of sensors which measure the volume of the catch in the cod-end is permitted; such sensors are usually attached to the outside of the cod-end.

(e) **Round straps**

- **Legal requirements** ⁽⁴⁴³⁾
 - Multiple round straps may be fitted to the outside of the cod-end where its mesh size is less than 90 mm.
 - Only one round strap may be fitted to the outside of the cod-end where its mesh size is equal to or greater than 90 mm.
 - The rearmost round strap (back strap) shall be no more than 50 cm from the codline.
- **Methodology:** The inspector should verify that:
 - any round straps are fitted to the outside of the cod-end;
 - only one round strap is fitted to cod-ends of less than 90 mm mesh size;
 - the rearmost round strap is no more than 50 cm from the codline.

(f) **Lifting strap**

The use of one lifting strap is authorised for all towed gear ⁽⁴⁴⁴⁾.

(g) **Floats**

The attachment of floats to the selvages of the cod-end is authorised for all towed gear ⁽⁴⁴⁵⁾.

Regions 2 and 3

(a) **Bottom-side chafer**

- **Legal requirements** ⁽⁴⁴⁶⁾: Bottom-side chafers may be attached only to the outside of the trawl and only to the lower half of any part of the trawl. They may be fastened only at their front and side edges.
- **Methodology:** The inspector should verify that the chafer(s) are only on the outside of the net on the bottom section and that the chafer(s) are not connected at their rear edge. NB: bottom-side chafers can be made of any material, including small-mesh netting, and the inspector should not be side-tracked into thinking that such netting is illegal.

(b) **Type A top-side chafer**

- **Legal requirements** ⁽⁴⁴⁷⁾: A type A top-side chafer must:
 - be rectangular;
 - be of a mesh size equal to at least that of the cod-end;
 - have a width of at least one and a half times the width of the cod-end which is covered;
 - be attached by its forward and/or lateral edges only to the upper half of the outside of the cod-end;
 - not extend more than four meshes forward of the rear lifting strap; if a lifting strap is not fitted the top-side chafer shall be fastened in such a manner that it does not cover more than the last rear third of the cod-end;
 - end not less than four meshes in front of the codline;
 - not be used in conjunction with any other top-side chafer;
 - not be used in conjunction with strengthening bags except for trawls having a mesh size equal to or less than 60 mm;
 - not be used in the Skagerrak and the Kattegat.

⁽⁴⁴³⁾ Article 5(4)(c), (d) and (f) of Council Regulation (EC) No 2187/2005.

⁽⁴⁴⁴⁾ Article 5(c) and (d) of Council Regulation (EC) No 2187/2005.

⁽⁴⁴⁵⁾ Article 5(e) of Council Regulation (EC) No 2187/2005.

⁽⁴⁴⁶⁾ Article 4 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁴⁷⁾ Articles 5(2),(4),(5) and (6) of Commission Regulation (EEC) No 3440/84.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

- **Methodology:** The inspector should verify that:
 - the chafer is rectangular in shape;
 - the chafer is of a mesh size equal to at least that of the cod-end; the mesh size of the chafer should be determined in accordance with the regulation ⁽⁴⁴⁸⁾.
 - the width of the chafer is at least 1.5 times that of the cod-end; the widths must be ascertained by stretching the netting in a direction perpendicular to the long axis of the cod-end; in practice, this may prove difficult and it may be easier to measure the width of a number of meshes in the chafer and calculate the total width on a *pro rata* basis, and then apply a similar methodology to the cod-end;
 - the chafer is not attached by its rear edge;
 - the chafer is attached to the outside only of the cod-end;
 - the chafer does not extend more than four meshes forward of the rearmost lifting strap or, if no lifting strap is present, does not cover more than the last rear third of the cod-end; here, a third should be taken to mean one third of the stretched length of the cod-end measured in the direction of the longitudinal axis of the net; the length of the chafer should be measured in a similar manner;
 - there are at least four meshes of cod-end protruding beyond the rear edge of the chafer;
 - only one top-side chafer is in use;
 - if a top-side chafer and a strengthening bag are both in use, that the cod-end has a mesh size equal to or less than 60 mm;
 - if the vessel is operating in either the Skagerrak or the Kattegat, that no type A top-side chafer is in use.

(c) Type B top-side chafer

- **Legal requirements** ⁽⁴⁴⁹⁾: A type B top-side chafer must:
 - be rectangular;
 - be of the same twine thickness as the cod-end netting;
 - have a mesh size of twice that of the cod-end;
 - be attached only by its four edges in such a way that, at the points of attachment, the side of each mesh coincides with two sides of the meshes of the cod-end;
 - not be used in conjunction with any other top-side chafer;
 - not be used in conjunction with strengthening bags except for trawls having a mesh size equal to or less than 60 mm;
 - not be used in the Skagerrak and the Kattegat on trawls having a mesh size larger than 70 mm.
- **Methodology:** The inspector should verify that the chafer:
 - is rectangular in shape;
 - is of the same twine thickness as the cod-end; the twine thicknesses should be determined in accordance with the provisions of the regulation ⁽⁴⁵⁰⁾.
 - has a mesh size of twice that of the cod-end; the mesh size of the chafer should be determined in accordance with the provisions of the regulation ⁽⁴⁵¹⁾.
 - is attached at its four edges in such a way that, at the points of attachment, the side of each mesh coincides with two sides of the meshes of the cod-end;
 - is not used in conjunction with any other top-side chafer;
 - is not used in conjunction with strengthening bags on trawls having a mesh size greater than 60 mm;
 - is not used in the Skagerrak and the Kattegat on trawls having a mesh size larger than 70 mm.

⁽⁴⁴⁸⁾ Commission Regulation (EC) No 517/2008

⁽⁴⁴⁹⁾ Articles 5(3),(4), (5) and (7) of Commission Regulation (EEC) No 3440/84.

⁽⁴⁵⁰⁾ Commission Regulation (EC) No 517/2008

⁽⁴⁵¹⁾ Commission Regulation (EC) No 517/2008

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

(d) **Strengthening bag — EU waters except Skagerrak and Kattegat**

• **Legal requirements** ⁽⁴⁵²⁾

- A strengthening bag shall have at least the same dimensions (length and width) as that part of the cod-end to which it is attached; this shall not apply to nets having a mesh size equal to or less than 60 mm.
- In the Mediterranean, the circumference of the strengthening bag shall not be less than 1.3 times that of the cod-end for bottom trawls ⁽⁴⁵³⁾.
- It is prohibited to use more than one strengthening bag except when attached to trawls having a mesh size equal to or less than 60 mm, for which two strengthening bags may be used.
- The mesh size of the strengthening bag shall be equal to at least twice that of the cod-end. If a second strengthening bag is used, its minimum mesh size shall be 120 mm.
- In the Mediterranean, for bottom trawlers using a cod-end of less than 60 mm and by way of derogation from the requirements above, the minimum mesh size for any strengthening bag shall be 120 mm. For cod-ends of 60 mm and above, the mesh size of the strengthening bag shall be equal to at least twice that of the cod-end ⁽⁴⁵⁴⁾.
- It is prohibited to use a strengthening bag which extends forward of the cod-end.
- If a strengthening bag is constructed of sections of cylindrical netting, the sections may not overlap by more than four meshes at the points of attachment.
- Strengthening bags attached to trawls having a mesh size greater than 60 mm shall not extend more than 2 m in front of the rear lifting strap.

• **Methodology:** The inspector should verify the following:

- In the case of nets having a mesh size greater than 60 mm, the strengthening bag is at least as wide and as long as the cod end; the dimensions should be measured as the stretched width in the specified direction. In practice, this may prove difficult and it may be easier to measure the width of a number of meshes in the strengthening bag and calculate the total width on a pro rata basis, and then apply a similar methodology to the cod-end.
- In the Mediterranean, for bottom trawls, the circumference of the strengthening bag is not less than 1.3 times that of the cod-end.
- The mesh size of the strengthening bag is equal to at least twice that of the cod end and for bottom trawls in the Mediterranean is at least 120 mm. The mesh size of the strengthening bag should be determined in accordance with the provisions of the regulation ⁽⁴⁵⁵⁾.
- Only one strengthening bag is in use, except in the case of trawls having a mesh size equal to or less than 60 mm, for which two strengthening bags may be used.
- The mesh size of any second strengthening bag is at least 120 mm.
- The strengthening bag does not extend forward of the cod-end.
- If a strengthening bag is constructed of sections of cylindrical netting, the sections do not overlap by more than four meshes at the points of attachment.
- For trawls having a mesh size greater than 60 mm, the strengthening bag does not extend more than 2 m in front of the rear lifting strap.

⁽⁴⁵²⁾ Articles 6(1), (3),(4), (10), (11), (12) and (13) of Commission Regulation (EEC) No 3440/84.

⁽⁴⁵³⁾ Article 11(2) of and Annex I(B)(10) to Council Regulation (EC) No 1967/2006.

⁽⁴⁵⁴⁾ Article 11(2) of and Annex I(B)(7) to Council Regulation (EC) No 1967/2006.

⁽⁴⁵⁵⁾ Commission Regulation (EC) No 517/2008

⁽⁴⁵⁶⁾ Articles 6(1), (6), (7), (8), (9), (10), (11), (12) and (13) of Commission Regulation (EEC) No 3440/84.

(e) **Strengthening bag — Skagerrak and Kattegat**

• **Legal requirements** ⁽⁴⁵⁶⁾

- A strengthening bag shall have at least the same dimensions (length and width) as that part of the cod-end to which it is attached; this shall not apply to nets having a mesh size equal to or less than 60 mm.
- It is prohibited to attach a strengthening bag to trawls having a mesh size larger than 70 mm.
- It is prohibited to use a strengthening bag and a top-side chafer simultaneously.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

- It is prohibited to use a strengthening bag of which the mesh size is less than 80 mm.
- It is prohibited to use more than one strengthening bag except when attached to trawls having a mesh size of less than 16 mm, for which two strengthening bags may be used. In such a case, the mesh size of one of these strengthening bags may be less than 80 mm but not less than 35 mm.
- It is prohibited to use a strengthening bag which extends forward of the cod-end.
- If a strengthening bag is constructed of sections of cylindrical netting, the sections may not overlap by more than four meshes at the points of attachment.
- Strengthening bags attached to trawls having a mesh size greater than 60 mm shall not extend more than 2 m in front of the rear lifting strap.

• **Methodology:** The inspector should verify that:

- in the case of nets having a mesh size greater than 60 mm, the strengthening bag is at least as wide and as long as the cod-end; the dimensions should be measured as the stretched width in the specified direction, although in practice this may prove difficult and it may be easier to measure the width of a number of meshes in the strengthening bag and calculate the total width on a pro rata basis, and then apply a similar methodology to the cod-end;
- in the case of nets having a mesh size greater than 70 mm, no strengthening bag is attached;
- where a strengthening bag is attached, no top-side chafer is in use;
- the mesh size of any strengthening bag is at least 80 mm;
- only one strengthening bag is in use, except in the case of trawls having a mesh size of less than 16 mm, for which two strengthening bags may be used;
- the mesh size of any second strengthening bag is equal to or greater than 35 mm;
- the strengthening bag does not extend forward of the cod-end;
- if a strengthening bag is constructed of sections of cylindrical netting, the sections do not overlap by more than four meshes at the points of attachment;
- for trawls having a mesh size greater than 60 mm, the strengthening bag does not extend more than 2 m in front of the rear lifting strap.

(f) **Chafing or protection piece**

• **Legal requirements** ⁽⁴⁵⁷⁾

- It is prohibited to use a chafing piece if a lifting strap is not attached to the cod-end.
- It is prohibited to use a chafing piece which is more than 1 m long.
- The chafing piece may be attached only in front of and behind each lifting strap.
- The mesh size of the chafing piece shall be at least equal to that of the cod-end.
- The circumference of the chafing piece shall be the same as that of the cod-end or strengthening bag at the point of attachment; it shall be compared to that of the cod-end or the strengthening bags, if any, by stretching them with the same force.

• **Methodology:** The inspector should verify that:

- where a chafing piece is fitted, a lifting strap is also fitted;
- the chafing piece is not more than 1 m long (stretched length);
- the chafing piece is attached only in front of and behind the lifting strap, i.e. it is attached directly under the lifting strap;
- the mesh size of the chafing piece is at least equal to that of the cod end; the mesh size of the chafing piece should be determined in accordance with the provisions of the regulation ⁽⁴⁵⁸⁾;
- the circumference of the chafing piece is the same as that of the cod-end or strengthening bag at the point of attachment, the circumference in each case being measured as the number of meshes multiplied by the relevant determined mesh size.

⁽⁴⁵⁷⁾ Article 7 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁵⁸⁾ Commission Regulation (EC) No 517/2008

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

(g) **Codline**

- **Legal requirements** ⁽⁴⁵⁹⁾

- The codline shall be attached at a distance which is not more than 1 m from the rear meshes of the cod-end, which may be folded back into the cod-end. However, if a torquette is attached, the codline shall be passed through the rearmost meshes of the cod-end.
- More than one codline may be used per trawl. A codline may not enclose a bottom-side chafer or top-side chafer.
- By way of derogation from the provisions of the first bullet point, it shall be permitted for vessels operating pump-aboard systems to attach a codline at a distance which is no more than 10 m from the rear meshes of the cod-end, when fishing with trawls with a mesh size of less than 70 mm.

- **Methodology:** The inspector should verify that:

- the codline is not more than 1 m from the rear meshes of the cod-end, unless the vessel is using a net of mesh size less than 70 mm and pumping the fish aboard, in which case the codline can be up to 10 m from the rear meshes of the cod-end;
- no codline is enclosing any chafer.

(h) **Round straps**

- **Legal requirements** ⁽⁴⁶⁰⁾

- The length of a round strap shall be not less than 40 % of the circumference of the cod-end, the circumference being measured as the product of the number of meshes in the circumference of the cod-end multiplied by the actual mesh size, except for the rearmost round strap, called a 'back strap', if it is attached not more than 2 m from the codline meshes, measured when the meshes are stretched lengthwise;
- The distance separating two successive round straps shall be not less than 1 m.
- A round strap may encircle the strengthening bags but may not encircle a top-side or bottom-side chafer.

- **Methodology:** The inspector should verify that:

- the length of any round strap is not less than 40 % of the circumference of the cod-end; the regulation requires that the circumference of the cod-end is calculated by taking the actual mesh size of the cod end (which will already have been established in accordance with the regulation ⁽⁴⁶¹⁾ and multiplying this by the number of meshes. (NB: This is a departure from all previously mentioned attachments, where lengths and widths are to be established by taking the stretched lengths of the netting involved.);
- if the back strap does not comply with the above requirement, then it is attached not more than 2 m from the codline (NB: In this case, the measurement is taken as the stretched length of the relevant section of the cod-end.);
- any two successive round straps are at least 1 m apart;
- no round strap is encircling any chafer.

⁽⁴⁵⁹⁾ Article 8 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁶⁰⁾ Article 10 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁶¹⁾ Commission Regulation (EC) No 517/2008.

⁽⁴⁶²⁾ Article 9 of Commission Regulation (EEC) No 3440/84.

(i) **Lifting strap**

- **Legal requirements** ⁽⁴⁶²⁾

The minimum length of lifting straps shall conform to the same rules as those governing round straps, except that the lifting strap nearest to the codline may be shorter.

- **Methodology**

The inspector should use the same methodology for length as applied to round straps, bearing in mind that the rearmost lifting strap should not be measured. In practice, very few

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

vessels use more than one lifting strap. The inspector should verify firstly whether more than one lifting strap is in use, if not, then no further verification is required.

(j) Flapper

- **Legal requirements** ⁽⁴⁶³⁾
 - The flapper shall have a mesh size at least equal to that of the cod-end.
 - The flapper shall be attached at its front end and may be attached at its lateral edges inside the cod-end or in front of it.
 - The distance from the point of forward attachment of the flapper to the rear end of the cod-end shall be at least three times the length of the flapper.
 - In the Skagerrak and the Kattegat the length of the flapper shall not extend more than the length of 20 meshes into the cod-end.
- **Methodology:** The inspector should verify the following:
 - The mesh size of the flapper must be at least equal to that of the cod-end. The mesh size should be determined in accordance with the provisions of the regulation ⁽⁴⁶⁴⁾; in practice, this could prove difficult, as the flapper is inside the trawl and can be difficult to access. In addition, it is not always 20 meshes long and may require two series of parallel measurements in the N-direction of the netting.
 - The distance from the point of forward attachment of the flapper to the rear end of the cod-end must be at least three times the length of the flapper. No methodology for the determination of length is given in the legislation; common sense would dictate that the same methodology should be used for the determination of both the lengths.
 - In the Skagerrak and the Kattegat the length of the flapper must not extend more than the length of 20 meshes into the cod-end.

NB: Flappers were used mostly on side trawlers, which have been mainly replaced by stern trawlers, where flappers are rarely in use. The inspector should not waste too much time looking for something which probably does not exist and, even if it does exist, has a minimal impact on selectivity.

(k) Sieve netting

- **Legal requirements** ⁽⁴⁶⁵⁾
 - The sieve netting must have a mesh size which is at least twice the mesh size of the cod-end.
 - The sieve netting shall be attached inside the trawl in front of the cod-end and shall not extend into the cod-end by more than one third of the length of the cod-end.
 - It may be attached to the trawl at all edges.
 - Up to two pieces of sieve netting may be used at the same time, provided that these are attached to the upper half and lower half of the trawl respectively and do not overlap at any point.
- **Methodology:** The inspector should verify that:
 - the sieve netting has a mesh size which is at least twice the mesh size of the cod-end; the mesh size of the sieve netting should be established in accordance with the provisions of the regulation ⁽⁴⁶⁶⁾;
 - the sieve netting does not extend into the cod end by more than one third of the length of the cod end; no methodology for the determination of length is given in the legislation; common sense would dictate that the same methodology should be used for the determination of both the lengths;
 - no more than two pieces of sieve netting are being used at the same time;
 - if two pieces of sieve netting are being used, they are attached to the upper half and lower half of the trawl respectively and do not overlap at any point.

⁽⁴⁶³⁾ Article 11 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁶⁴⁾ Commission Regulation (EC) No 517/2008

⁽⁴⁶⁵⁾ Article 12 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁶⁶⁾ Regulation (EC) No 517/2008

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

(l) **Strengthening rope**

- **Legal requirements** ⁽⁴⁶⁷⁾

It is prohibited to attach strengthening ropes inside the cod-end or lengthening piece.

- **Methodology:** The inspector should verify that:

There are no strengthening ropes inside the cod-end or lengthening piece, bearing in mind that strengthening ropes may be attached to the outside of the cod-end or lengthening piece and to any other part of the net, either inside or outside.

(m) **Torquette**

- **Legal requirements** ⁽⁴⁶⁸⁾

- The torquette may be folded back into the cod-end.
- The mesh size of the torquette shall not be less than the mesh size of the cod-end.
- The torquette shall be attached at its forward edge only and no further forward than the last five meshes of the cod-end and shall not extend backwards more than 1 m from the rear of the last meshes of the cod-end.

- **Methodology:** The inspector should verify that:

- the mesh size of the torquette is not less than the mesh size of the cod-end; the mesh size of the torquette should be established in accordance with the provisions of the regulation ⁽⁴⁶⁹⁾;
- the torquette is attached at its forward edge only;
- the torquette is attached within the last five meshes of the cod-end;
- the torquette does not extend backwards more than 1 m from the rear of the last meshes of the cod-end.

(n) **Median lacing of a trouser cod end**

There are no legal requirements for a median lacing. It is sufficient that the inspector is aware that such a device is permitted.

Mediterranean Sea

(a) **Pocket type cod-end**

As an alternative to a cod line, the cod-end may be emptied by a zip-fastener type of closure mechanism, which may be fitted in either a transversal or longitudinal direction.

- **Legal requirements** ⁽⁴⁷⁰⁾

- Any transversal zip-fastener shall be attached within 1 m of the rear of the cod-end.
- Any pocket-type cod-end shall have only one opening for emptying.

- **Methodology:** The inspector should check that:

- any transversal zip-fastener is attached within 1 m of the rear of the cod-end;
- the cod-end only has one opening for emptying.

(b) **Transversal lacing rope**

- **Legal requirements** ⁽⁴⁷¹⁾

- The length of any transversal lacing rope shall be not less than 20 % of the circumference of the cod-end.

- **Methodology:** The inspector should check that the length of any transversal lacing rope is not less than 20 % of the cod-end circumference by comparing the two measurements. The cod-end circumference should be calculated as the number of meshes in the circumference of the cod-end, excluding selvages, multiplied by the determined mesh size.

⁽⁴⁶⁷⁾ Article 13 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁶⁸⁾ Article 14 of Commission Regulation (EEC) No 3440/84.

⁽⁴⁶⁹⁾ Commission Regulation (EC) No 517/2008.

⁽⁴⁷⁰⁾ Article 11(2) of and Annexes I(A) and 1(B)(8) to Council Regulation (EC) No 1967/2006.

⁽⁴⁷¹⁾ Article 11(2) of and Annex I(B)(9) to Council Regulation (EC) No 1967/2006.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

Part C. Non-specified attachments in common use

This part only applies to Regions 2 and 3 and the Mediterranean Sea.

To quote the annex to the regulation ⁽⁴⁷²⁾, there are 'certain devices or constructions which may normally form an integral part of, or be used in conjunction with, a trawl', which are described briefly in that annex. These items normally would restrict the mesh size of the netting in some way. The mentioning of such items, and the wording, implies that such devices and constructions are permitted, although no technical parameters are laid down in the regulation. The items mentioned are:

- a strengthening lacing, where several meshes of a row are sewn together, to form a rope-like construction; the purpose of this is normally to reinforce the joins in panels of netting in the direction of the longitudinal axis of the net;
- a lacing rope, which is a rope running lengthwise along the join between two pieces of netting in the direction of the longitudinal axis of the net;
- a float, which is a device made of metal or plastic and usually spherical in shape, used to support the upper half of the net;
- a kite, which is a device used to lift the upper half of the net by hydrostatic shearing force (lift); a kite can either be part of a purpose-made flotation assembly or a piece of material (canvas, plastic, metal) attached to the forward upper part of the net at a positive angle of incidence;
- an electro-mechanical device, which is normally a transducer used to remotely monitor the geometry and position of the net, or the amount of fish in the cod-end.

Part D. Examples of illegal attachments in common use

There are certain illegal attachments which may be encountered, the purpose of all of them being to restrict the mesh openings and therefore retain smaller fish. The most commonly detected of these are the following:

• Blinder netting

Blinder netting is a piece of netting with a mesh size less than that of the cod-end, which is inserted inside the cod-end. It is generally a tube-like construction and is laced by its forward edge to the cod-end netting. Normally, the lacing will only be attached at a few points, making it very easy for the fisherman to cut the lacing, and the blinder falls out of the cod-end when the catch is released. The fisherman can then claim that the blinder is in fact a piece of stray netting which was trawled up during the fishing operation. Detecting this type of attachment can only be achieved by being present while the cod-end is brought aboard and emptied.

• Illegal round straps

Round straps which are shorter than the required length have a significant impact on the selectivity of the net, by preventing the meshes from opening. Fixed round straps of this type are easily detected; however, there is a system of illegal round straps in frequent use which is much harder to detect, as shown in Figure 3. In this case, the round straps are made of a circle of light twine which is rove through the cod-end netting. The lifting strap is passed backwards, under these round straps, before leading forward to the headline. When the net reaches the surface, the lifting strap is taken from the headline and hauled in. As the lifting strap is pulled forward, it breaks through the weak round straps and when the cod-end is brought aboard, there is no evidence of the round straps, except perhaps for some ends of twine rove through the cod-end meshes (but no illegal round strap good enough for evidential purposes). The only way to detect this practice is to insist that the lifting strap is not hauled upon until the cod-end

⁽⁴⁷²⁾ Commission Regulation (EC) No 3440/84.

has been inspected. This can be done by putting a boarding boat next to the cod-end in the water, when it is streamed alongside the fishing vessel. If the presence of this type of attachment is detected, then the inspector should ensure that the cod-end is brought aboard without undue heaving on the lifting strop. In this way, the illegal round straps can be retrieved intact.

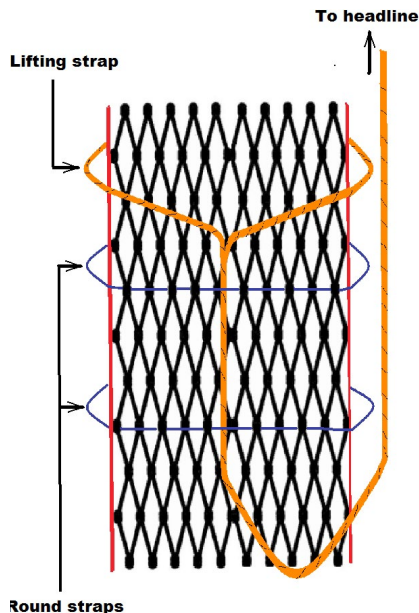


Figure 94 — *Illegal round straps*

- **Illegal chafers**

Another illegal practice seen is that of tying together the two outside edges of a bottom-side chafer over the top of the cod-end. The edges are tied with weak twine. This has the effect of restricting the opening of the cod-end meshes, especially on the top side, where most fish escape from. When the cod-end is hauled aboard, the weight of the fish causes the ties to break, leaving no evidence of the practice. Once again, this is very hard to detect and the inspector must try to retain the cod-end with the ties intact, which is very difficult in practice.

NB: The use of the above devices is to retain smaller fish, which can still be of marketable size, either by being above the minimum landing size or because there is no minimum size. The inspector should make himself familiar with the fisheries in the area, which will give a good indication of where such devices are likely to be in use. Normally, the devices are used where there is a good commercial demand for smaller fish, generally in mixed fisheries. Good examples would be Dover sole, red mullet, hake and squid.

Chapter 4.2.5 — Check the legality of the selectivity of gear

Part A. Introduction

Current legislation requires escape panels to be fitted in certain gears in specified fisheries. The purpose of these panels is to allow the escape of non-target species, which tend to rise when in the net. In addition, escape panels in the cod-end may assist the release of smaller specimens of target or non-target species. Sorting grids are sometimes used in small-mesh nets targeting crustaceans, to allow the escape of white fish.

Escape panels may also be fitted voluntarily by the fishermen, to avoid the capture of unwanted species.

Some gears are required to be fitted with acoustic devices to frighten marine mammals away from the gear, thus minimising the chance of their accidental capture.

Part B. Escape panels — Legal requirements

(a) Headline panel

There are no general requirements for the fitting of headline panels, they are required by certain recovery measures and these are dealt with in Chapter 5.1.2.

(b) Square mesh panel

- Baltic Sea: In the Baltic Sea, any towed net with a mesh size of 105 mm or greater must be fitted with either a Bacoma-type escape window or a T-90 extension piece and cod-end⁽⁴⁷³⁾. The specifications of these two alternatives are as follows:
 - Bacoma window⁽⁴⁷⁴⁾: The window must conform to the following specification; a schematic representation of such a device is shown in Figure 95.

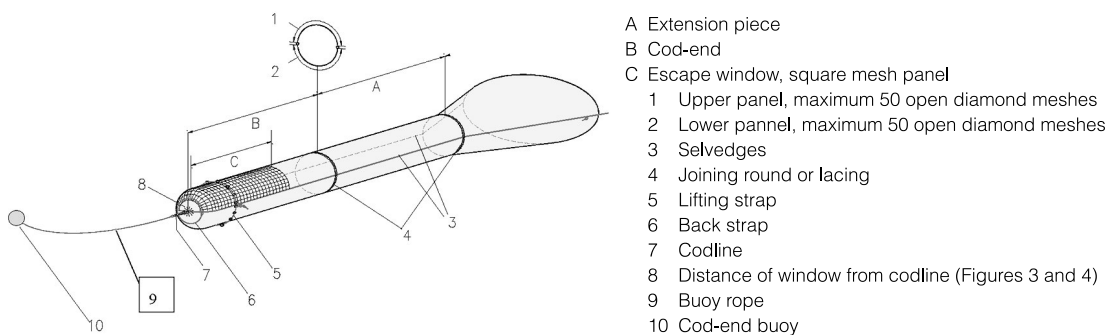


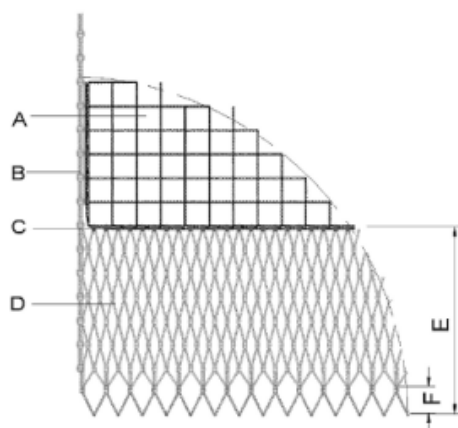
Figure 95 — Bacoma-type cod-end

- The cod-end shall be constructed of two panels, joined together by selvages one on each side of equal length.
- The minimum mesh size of the diamond meshes shall be 105 mm. The material of the yarn shall be of polyethylene threads with a single twine thickness of no more than 6 mm or with double twine thickness of no more than 4 mm.
- The use of cod-ends and extension pieces which are made of only one piece of net material and have only one selvedge shall be prohibited.
- The number of open diamond meshes, excluding those in the selvages, at any point on any circumference of any extension piece shall not be less or more than the maximum number of meshes on the circumference of the front end of the cod-end.

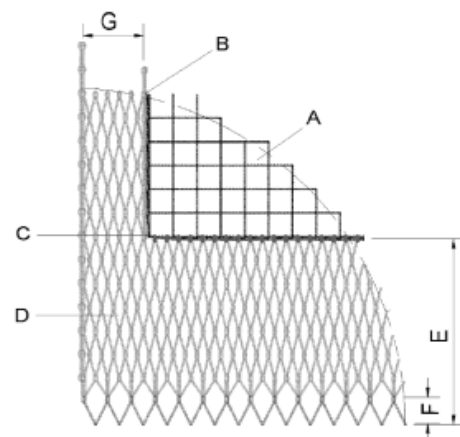
⁽⁴⁷³⁾ Article 3(1) of and Annex II to Council Regulation (EC) No 2187/2005.

⁽⁴⁷⁴⁾ Appendix 1 to Council Regulation (EC) No 2187/2005, as amended.

- The window shall be inserted into the top panel of the cod-end.
- The window shall terminate not more than four meshes from the codline, inclusive of the hand-braided row of meshes through which the codline is passed.
- 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 will 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.
- The length of the window shall be at least 5.5 m.
- By way of derogation from point (ii) the length of the window shall be at least 6 m if a sensor dedicated to the measurement of the volume of the catches is attached to the window.
- The meshes shall have a minimum mesh opening of 120 mm. The meshes shall be square meshes i.e. all four sides of the window netting will 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 netting with similar proven selective properties. Knotless netting means netting which is composed of meshes of four sides in which the corners of the meshes are formed by the interweaving of the twines of two adjacent sides of the mesh.
- The diameter of the single yarn shall be at least 5 mm.
- A back strap shall not encircle the Bacoma exit window.
- A cod-end buoy shall be spherical in shape and have a maximum diameter of 40 cm. It shall be fastened through the buoy rope to the codline.
- A flapper shall not overlap the Bacoma exit window.
- The methods of mounting a 25-bar and a 20-bar wide panel are shown in Figures 96 and 97 respectively.



- A 120 mm square mesh panel (25 bars)
 B Joining of square mesh panel to selvedge
 C Joining of square mesh panel to diamond mesh net
 D 105 mm diamond mesh net (maximum 50 open meshes)
 E Distance of the window panel from the codline. The window shall terminate not more than four meshes from the codline, inclusive of the hand-braided row of meshes through which the codline is passed
 F One row of hand-braided codline meshes



- A 120 mm square mesh panel (20 bars)
 B Joining of square mesh panel to selvedge
 C Joining of square mesh panel to diamond mesh net
 D 105 mm diamond mesh net (maximum 50 open meshes)
 E Distance of the window panel from the codline. The window shall terminate not more than four meshes from the codline, inclusive of the hand-braided row of meshes through which the codline is passed
 F One row of hand-braided codline meshes
 G Maximum 10% in both sides of open meshes D

Figure 96 — Mounting of 25-bar Bacoma window

Figure 97 — Mounting of 20-bar Bacoma window

- T-90 trawls ⁽⁴⁷⁵⁾: The trawl must conform to the following specification; a schematic representation of such a net is shown in Figure 98.

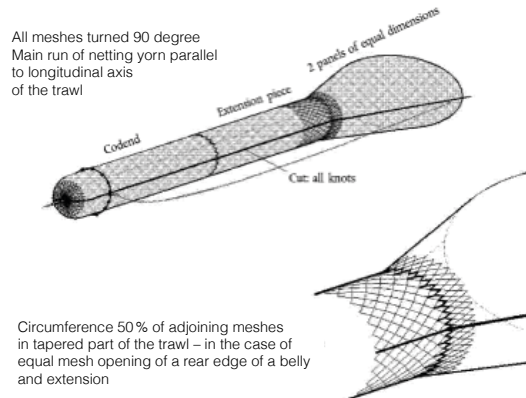


Figure 98 — A T-90 trawl

- A T-90 trawl is any trawl, Danish seine or similar gear having a cod-end and extension piece made of T-90 netting.
- The mesh size shall be at least 120 mm.
- The material of the yarn of the cod-end and the extension piece shall be of polyethylene threads with a single twine thickness of no more than 6 mm or with double twine thickness of no more than 4 mm. This provision shall not apply to the rearmost row of meshes in the cod-end, if fitted with a codline.
- The cod-end and extension piece shall be constructed from two panels of equal dimensions, of at least 50 meshes in length, joined by two lateral selvedges.
- The number of open meshes in any circumference must be constant from the front part of the extension to the rearmost part of the cod-end.
- At the point of attachment of the cod-end or extension piece to the tapered part of the trawl, the number of meshes in the circumference of the cod-end or extension piece must be 50 % of the last row of meshes of the tapered part of the trawl.
- The number of meshes in any circumference in the cod-end and the extension piece, excluding joinings and selvedges, shall be no more than 50.
- The forward edge of the panels composing both cod-end and extension piece shall be fitted out with a braided row of half meshes. The aft edge of the cod-end panel shall be fitted out by a full row of braided meshes able to guide the codline.

Any cod-end buoy fitted shall be spherical in shape and have a maximum diameter of 40 cm. It shall be fastened through the buoy rope to the codline.

- Regions 2 and 3 ⁽⁴⁷⁶⁾: Square mesh panels are required to be fitted to towed gear in the mesh size range of 70–79 mm in Region 2, and also may be fitted voluntarily in any towed gear. They are also required by certain recovery measures and these are dealt with in Chapter 4.2.8. Where such panels are fitted, they must conform to the following conditions:
 - the panel should be of at least 80 mm mesh size, except for towed nets in the mesh size range 32–54 mm used for targeting shrimps of the genus *Pandalus* in Region 2, where the minimum mesh size for the panel is 70 mm;

⁽⁴⁷⁵⁾ Appendix 2 to Council Regulation (EC) No 2187/2005.

⁽⁴⁷⁶⁾ Article 7 of Council Regulation (EC) 850/98.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

- the panel shall be placed in the top half or top sheet of a net in front of any extension piece or at any point between the front of any extension piece and the rear of the cod-end;
 - shall not be obstructed in any way by either internal or external attachments;
 - shall be at least 3 m in length, except when incorporated into nets towed by vessels of less than 112 kilowatts, when it must be of at least 2 m in length;
 - shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing;
 - the number of meshes in the front row of meshes of the panel must be equal to or greater than the number of meshes in the rear row of meshes in the panel (i.e. the panel must be parallel or should taper from the front to the rear);
 - where a square-meshed panel is inserted in an untapered portion of the net, there shall be at most five open diamond meshes between each panel side and the adjacent selvages of the net;
 - where a square-meshed panel is inserted, wholly or partially, into a tapered portion of the net there shall be at most five open diamond meshes between the rear row of meshes in the square-meshed panel and the adjacent selvages of the net.
- Mediterranean Sea ⁽⁴⁷⁷⁾: Square mesh panels may be fitted voluntarily in any towed gear. Where such panels are fitted, they must conform to the following conditions:
 - the panel shall be placed in the top half or top sheet of a net in front of any extension piece or at any point between the front of any extension piece and the rear of the cod-end;
 - shall not be obstructed in any way by either internal or external attachments;
 - shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing.
 - Black Sea: No requirements

Part C. Escape panels methodology

The inspector should establish the legality of the gear in regards to escape panels by performing the following procedure:

- Establish whether it is mandatory for an escape panel to be fitted to the gear, bearing in mind the area of operation, the period and the type of gear in use.
- If the fitting of an escape panel is mandatory, verify that such a panel is fitted and that it conforms to the relevant requirements.
- If an escape panel has been fitted voluntarily by the fisherman, verify that the panel conforms to the relevant requirements.
- Due to the complexity of the requirements, best practice would be for the inspector to be in possession of a summary of these requirements relevant to the area of inspection activities. This would allow the inspector to cross-reference any apparent infringement before taking appropriate enforcement action.

Part D. Sorting grids

(a) Legal requirements

When a towed net in the mesh size range 32 to 54 mm is used for targeting shrimps of the genus *Pandalus* in Region 2, either a square mesh panel of minimum mesh size 70 mm or a sorting grid must be fitted to the gear ⁽⁴⁷⁸⁾.

⁽⁴⁷⁷⁾ Article 11(2) of and Annex I(B)(3) to Council Regulation (EC) No 1967/2006.

⁽⁴⁷⁸⁾ Article 7(5) of Council Regulation (EC) 850/98.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

When fishing in certain parts of ICES sub-area VI, the gear must incorporate either a sorting grid, square-mesh panel or be another gear with equivalent high selectivity

(b) Methodology

The inspector should first establish whether a sorting grid should be fitted, bearing in mind the type of gear and the area of operation and whether any other selectivity device has been fitted to the gear.

In the case of certain gears in some parts of ICES sub-area VI, detailed technical specifications have been laid down for sorting grids and the inspector should verify that any sorting grid fitted complies with these requirements.

In all other cases, as no technical specifications have been laid down for sorting grids, it will be sufficient for the inspector to check whether a sorting grid is fitted when using such a towed gear without a square mesh panel.

Part E. Acoustic deterrent devices-legal requirements

The requirement to fit acoustic devices varies by fishery and area, and is summarised in Table 21 ⁽⁴⁷⁹⁾.

Table 21 — Fisheries in which acoustic devices are mandatory

| Area | Gear | Period |
|---|---|---------------------|
| Baltic Sea area delimited by a line running from the Swedish coast at the point at longitude 13° E, thence due south to latitude 55° N, thence due east to longitude 14° E, thence due north to the coast of Sweden; and the area delimited by a line running from the eastern coast of Sweden at the point at latitude 55°30' N, thence due east to longitude 15° E, thence due north to latitude 56° N, thence due east to longitude 16° E, thence due north to the coast of Sweden | Any bottom-set gillnet or entangling net | All year |
| | Any drift net | All year |
| Baltic Sea Subdivision 24 (except for the area covered above) | Any bottom-set gillnet or entangling net | All year |
| | Any drift net | All year |
| ICES Sub-area IV and division III a | Any bottom-set gillnet or entangling net, or combination of these nets, the total length of which does not exceed 400 m | 1 August–31 October |
| | Any bottom-set gillnet or entangling net with mesh sizes > 220 mm | All year |
| ICES Divisions VII e, f, g, h and j | Any bottom-set gillnet or entangling net | All year |
| ICES Division VII d | Any bottom-set gillnet or entangling net | All year |

The acoustic devices should conform to one of the sets of characteristics described in Table 24. However, Member States may authorise the temporary use of acoustic deterrent devices which do not fulfil these technical specifications, provided that their effect on the reduction of incidental catches of cetaceans has been sufficiently documented ⁽⁴⁸⁰⁾.

⁽⁴⁷⁹⁾ Article 2 of and Annex I to Council Regulation (EC) No 812/2004.

⁽⁴⁸⁰⁾ Article 3 of and Annex II to Council Regulation (EC) No 812/2004.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

Table 22 — *Characteristics of acoustic devices*

| | Set 1 | Set 2 |
|---|---|---|
| | Signal characteristics | |
| Signal synthesis | Digital | Analogue |
| Tonal/wide band | Wide band/tonal | Tonal |
| Source levels (max.–min.) re 1 mPa@1m | 145 dB | 130–150 dB |
| Fundamental frequency | (a) 20–160 KHz wide band sweeps (b) 10 kHz tonal | 10 kHz |
| High-frequency harmonics | Yes | Yes |
| Pulse duration (nominal) | 300 ms | 300 ms |
| Interpulse interval | (a) 4–30 seconds randomised; (b) 4 seconds | 4 seconds |
| | Implementation characteristics | |
| Maximum spacing between two acoustic deterrent devices along nets | 200 m, with one acoustic device fixed at each end of the net (or combination of nets attached together) | 100 m, with one acoustic device fixed at each end of the net (or combination of nets attached together) |

Part F. Acoustic deterrent devices methodology

The inspector should establish the legality of the gear in regards to acoustic devices by performing the following procedure:

- Establish whether it is mandatory for acoustic devices to be fitted to the gear, bearing in mind the area of operation, the period and the type of gear in use.
- If the fitting of acoustic devices is mandatory, check that such devices are fitted and that they conform to the relevant requirements regarding the spacing and positioning of such devices.
- Check that the devices conform to one of the two sets of approved characteristics shown in Table 4. There may be cases where the inspector does not have the technical expertise to check the technical parameters and then it may be better to note the type of device used and to check whether it is on a list of devices approved by the relevant Member State.
- Due to the complexity of the requirements, best practice would be for the inspector to be in possession of a summary of these requirements relevant to the area of inspection activities. This would allow the inspector to cross-reference any apparent infringement before taking appropriate enforcement action.

| | | |
|--|--------------------------|-------------|
| | Conformity of gear | Module 4 |
| | Check conformity of gear | Section 4.2 |

Chapter 4.2.6 — Check for prohibited gear

Part A. Introduction

In order to protect certain species, there are certain gears which are prohibited or their use is prohibited for the taking of certain species or within certain areas. In addition, certain fishing methods are prohibited.

Unintended catches in excess of catch composition rules, of species subject to the landing obligation shall be kept on board and counted against quota. The direct fishing for non-target species shall be prohibited. ⁽⁴⁸¹⁾

Part B. Prohibitions

Certain gears and fishing methods are subject to prohibitions. These prohibitions may be absolute or may be subject to additional conditions regarding area, period or use, as described in Tables 5, 6, 7 and 8.

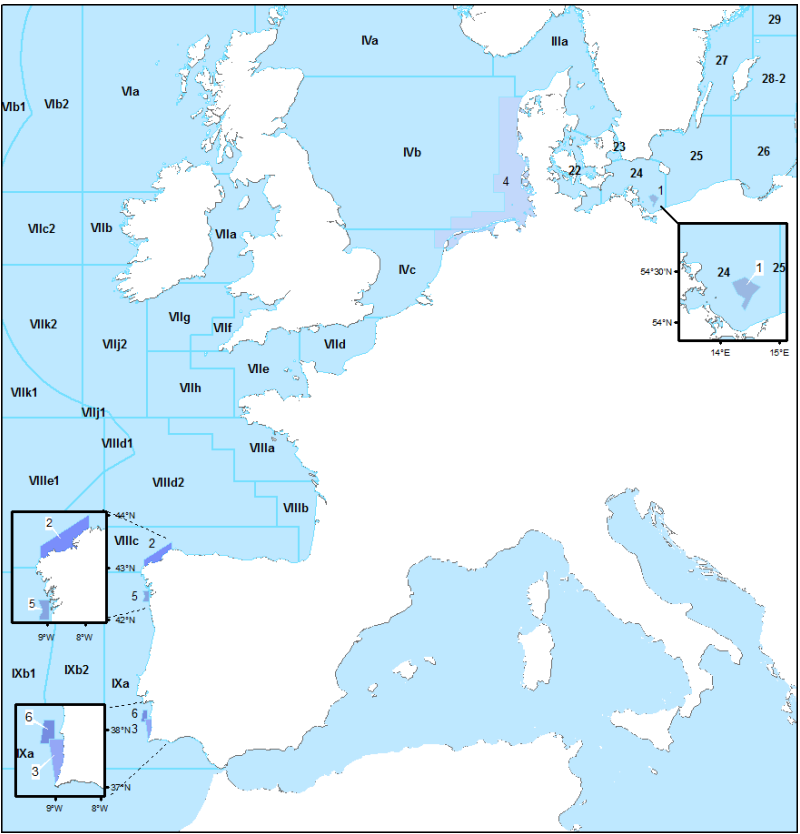


Figure 99 — Map of areas

All regions ⁽⁴⁸²⁾

Driftnets should not be used to catch the following species: albacore (*Thunnus alalunga*); bluefin tuna (*Thunnus thynnus*); bigeye tuna (*Thunnus obesus*); skipjack (*Katsuwonus pelamis*); Atlantic bonito (*Sarda sarda*); yellowfin tuna (*Thunnus albacares*); blackfin tuna (*Thunnus atlanticus*); little tuna (*Euthynnus spp.*); southern bluefin tuna (*Thunnus maccoyii*); frigate tuna (*Auxis spp.*); oceanic sea bream (*Brama rayi*); marlins (*Tetrapturus spp.*; *Makaira spp.*); sailfishes (*Istiophorus spp.*); swordfish (*Xiphias gladius*); sauries (*Scomberesox spp.*; *Cololabis spp.*);

⁽⁴⁸¹⁾ Regulation (EU) 2015/812 of the European Parliament and of the Council.

⁽⁴⁸²⁾ Article 11 of Council Regulation (EC) No 894/97.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

dolphinfishes (*Coryphoena spp.*); sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*); cephalopods: all species.

Baltic Sea

Table 23 — Prohibited gears, Baltic Sea

| Area | Prohibition | Further conditions |
|---|---|---|
| Whole area | The use of any fixed gear of mesh size less than 16 mm ⁽⁴⁸³⁾ . | |
| Subdivisions 22 to 27 | The use of any fixed gear of mesh size less than 32 mm ⁽⁴⁸⁴⁾ . | |
| Whole area | The use or keeping on board of any driftnet ⁽⁴⁸⁵⁾ . | |
| Subdivisions 22 to 23 | The use of any beam trawl of mesh size equal to or greater than 90 mm ⁽⁴⁸⁶⁾ . | |
| Subdivisions 22 to 32 | The use of any beam trawl of mesh size equal to or greater than 105 mm ⁽⁴⁸⁷⁾ . | |
| See map area 1 in figure 99 The area enclosed by straight lines sequentially joining the following geographical coordinates: 54° 23' N, 14° 35' E 54° 21' N, 14° 40' E 54° 17' N, 14° 33' E 54° 07' N, 14° 25' E 54° 10' N, 14° 21' E 54° 14' N, 14° 25' E 54° 17' N, 14° 17' E 54° 24' N, 14° 11' E 54° 27' N, 14° 25' E 54° 23' N, 14° 35' E | Fishing with any active gear ⁽⁴⁸⁸⁾ . | |
| Subdivision 28-1 | Fishing with any trawl ⁽⁴⁸⁹⁾ . | Applies only to waters of less than 20 m depth. |

⁽⁴⁸³⁾ Article 3(4) of and Annex III to Council Regulation (EC) No 2187/2005.

⁽⁴⁸⁴⁾ Article 3(1) of and Annex III to Council Regulation (EC) No 2187/2005.

⁽⁴⁸⁵⁾ Article 9(1) of Council Regulation (EC) No 2187/2005.

⁽⁴⁸⁶⁾ Footnote 3 to Annex II to Council Regulation (EC) No 2187/2005.

⁽⁴⁸⁷⁾ Footnote 3 to Annex II to Council Regulation (EC) No 2187/2005.

⁽⁴⁸⁸⁾ Article 16 of Council Regulation (EC) No 2187/2005.

⁽⁴⁸⁹⁾ Article 22 of Council Regulation (EC) No 2187/2005.

⁽⁴⁹⁰⁾ Article 4(2)(f) of Council Regulation (EC) No 850/98.

⁽⁴⁹¹⁾ Article 4(2)(f) of Council Regulation (EC) No 850/98.

⁽⁴⁹²⁾ Article 11(1)(b) of and Annex VI to Council Regulation (EC) No 850/98.

⁽⁴⁹³⁾ Article 28(1)(a) of Council Regulation (EC) No 850/98.

Regions 2 and 3

Table 24 — Prohibited gears, Regions 2 and 3

| Area | Prohibition | Further conditions |
|---|---|------------------------------|
| Region 3 except ICES Division IXa east of longitude 7° 23' 48" W | The use of any towed gear of mesh size less than 16 mm ⁽⁴⁹⁰⁾ | |
| ICES Division IXa east of longitude 7° 23' 48" W | The use of any towed gear of mesh size less than 40 mm ⁽⁴⁹¹⁾ | |
| Region 2 | The use or keeping on board of any fixed gear of mesh size: ⁽⁴⁹²⁾ less than 16 mm > 30 mm to < 50 mm > 70 mm to < 90 mm | |
| See map area 2 in figure 99 The area enclosed by straight lines sequentially joining the following geographical coordinates: 43°46,5' N, 7°54,4' W, 44°1,5' N, 7°54,4' W, 43°25' N, 9°12' W, 43°10' N, 9°12' W; (Part of ICES Division VIa) | Fishing with any trawl, Danish seine or similar towed net ⁽⁴⁹³⁾ (Any such nets aboard to be lashed and stowed) | From 1 October to 31 January |

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

| Area | Prohibition | Further conditions |
|---|--|--|
| See map area 3 in figure 99 The area enclosed by straight lines sequentially joining the following geographical coordinates: a point on the west coast of Portugal at 37° 50' N, 37° 50' N, 9° 08' W, 37° 00' N, 9° 07' W, a point on the west coast of Portugal at 37° 00' N. (Part of ICES Division IXa) | Fishing with any trawl, Danish seine or similar towed net ⁽⁴⁹⁴⁾ (Any such nets aboard to be lashed and stowed) | From 1 December to the last day of February |
| See map area 4 in figure 99 (a) The area within 12 miles of the coasts of France, north of latitude 51° 00' N, Belgium, and the Netherlands up to latitude 53° 00' N (Part of ICES Division IVIc) (b) the area bounded by a line joining the following coordinates: a point on the west coast of Denmark at 57° 00' N, 57° 00' N, 7° 15' E, 55° 00' N, 7° 15' E, 55° 00' N, 7° 00' E, 54° 30' N, 7° 00' E, 54° 30' N, longitude 7° 30' E, 54° 00' N, 7° 30' E, 54° 00' N, 6° 00' E, 53° 50' N, 6° 00' E, 53° 50' N, 5° 00' E, 53° 30' N, 5° 00' E, 53° 30' N, 4° 15' E, 53° 00' N, 4° 15' E, a point on the coast of the Netherlands at 53° 00' N. (Part of ICES Division IVb) (c) the area within 12 miles of the west coast of Denmark from 57° 00' N as far north as the Hirtshals lighthouse. | Fishing with any trawl, Danish seine or similar towed net ⁽⁴⁹⁵⁾ (Any such nets aboard to be lashed and stowed) | Only applies to vessels of greater than 8 m overall length. The inspector should be aware that certain vessels may be allowed to fish under a fishing authorisation, which should be carried aboard. |
| See map area 5 in figure 99 (d) The area enclosed by straight lines sequentially joining the following geographical coordinates: 42°23' N, 08°57' W 42°00' N, 08°57' W 42°00' N, 09°14' W 42°04' N, 09°14' W 42°09' N, 09°09' W 42°12' N, 09°09' W 42°23' N, 09°15' W 42°23' N, 08°57' W; (Part of ICES Division IXa) | Fishing with bottom trawls or similar towed nets operating in contact with the bottom of the sea, or with creels ⁽⁴⁹⁶⁾ | From 1 June to 31 August |
| See map area 6 in figure 99 The area enclosed by straight lines sequentially joining the following geographical coordinates: 37°45' N, 09°00' W 38°10' N, 09°00' W 38°10' N, 09°15' W 37°45' N, 09°20' W. (Part of ICES Division IXa) | Fishing with bottom trawls or similar towed nets operating in contact with the bottom of the sea, or with creels | From 1 May to 31 August The use of such trawls is authorised if the by-catch of Norway lobster (<i>Nephrops norvegicus</i>) does not exceed 2 %, and the use of creels is authorised if they do not catch Norway lobster. |
| Regions 2 & 3 | Having on board or using any beam trawl of which the beam length, or any beam trawls of which the aggregate beam length measured as the sum of the length of each beam, is greater than 24 m or can be extended to a length greater than 24 m ⁽⁴⁹⁷⁾ | |

⁽⁴⁹⁴⁾ Article 28(1)(i) of Council Regulation (EC) No 850/98.

⁽⁴⁹⁵⁾ Article 29 of Council Regulation (EC) No 850/98.

⁽⁴⁹⁶⁾ Article 29(b) of Council Regulation (EC) No 850/98.

⁽⁴⁹⁷⁾ Article 30(1) of Council Regulation (EC) No 850/98.

| | |
|--------------------|---------------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

| Area | Prohibition | Further conditions |
|---|---|--|
| (a) the North Sea north of a line joined by the following points: a point on the east coast of the UK at 55° N, then east to 55° N, 5° E, then north to 56° N, and finally east to the west coast of Denmark at 56° N; (Part of ICES Division IVb) (b) ICES Division Vb and ICES Sub-area VI north of latitude 56° N. | Using any beam trawl of which the mesh size lies between 32 and 99 mm ⁽⁴⁹⁸⁾ (Any such nets aboard to be lashed and stowed) | |
| The North Sea north of a line joined by the following points: a point on the east coast of the UK at 55° N, then east to 55° N, 5° E, then north to 56° N, and finally east to the west coast of Denmark at 56° N; (Part of ICES Division IVb) | Using any demersal otter trawl, demersal pair trawl or Danish seine of which the mesh size lies between 80 and 99 mm ⁽⁴⁹⁹⁾ (Any such nets aboard to be lashed and stowed) | |
| The area enclosed by straight lines sequentially joining the following geographical coordinates: 59° 54 N 6° 55 W 59° 47 N 6° 47 W 59° 37 N 6° 47 W 59° 37 N 7° 39 W 59° 45 N 7° 39 W 59° 54 N 7° 25 W. (Part of ICES Division VIa) | Using any bottom trawl or similar towed nets operating in contact with the bottom of the sea ⁽⁵⁰⁰⁾ | |
| The 12-mile zone around the United Kingdom and Ireland | Using any beam trawl ⁽⁵⁰¹⁾ (Any unauthorised beam trawls aboard to be lashed and stowed) | However, vessels in any of the following categories are authorised to use beam trawls: (a) a vessel which entered into service before 1 January 1987, and whose engine power does not exceed 221 kW, and in the case of derated engines did not exceed 300 kW before derating; (b) a vessel which entered into service after 31 December 1986 whose engine is not derated, whose engine power does not exceed 221 kW, and whose length overall does not exceed 24 m; (c) a vessel which had its engine replaced after 31 December 1986 with an engine which is not derated and whose power does not exceed 221 kW |
| The 12-mile zone around the United Kingdom and Ireland | The use of any beam trawl of which the beam length, or of any beam trawls of which the aggregate beam length, is greater than 9 m or can be extended to a length greater than 9 m, except when operating with gear having a mesh size between 16 and 31 mm ⁽⁵⁰²⁾ (Any such nets aboard to be lashed and stowed) | |

⁽⁴⁹⁸⁾ Article 30(2) of Council Regulation (EC) No 850/98.

⁽⁴⁹⁹⁾ Article 30(3) of Council Regulation (EC) No 850/98.

⁽⁵⁰⁰⁾ Article 30(4) of Council Regulation (EC) No 850/98.

⁽⁵⁰¹⁾ Article 34(1) of Council Regulation (EC) No 850/98.

⁽⁵⁰²⁾ Article 34(3) of Council Regulation (EC) No 850/98.

| | |
|--------------------------|-------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

| Area | Prohibition | Further conditions |
|---|---|-----------------------------|
| Waters situated within 3 miles of the baselines in the Skagerrak and Kattegat | The use or carrying on board of trawls having a mesh size of less than 32 mm ⁽⁵⁰³⁾ (Any such nets aboard to be lashed and stowed) However, for northern shrimp (<i>Pandalus borealis</i>), nets with a minimum mesh size of 30 mm may be used, and for eelpout (<i>Zoarces viviparus</i>), gobies (<i>Gobiidae</i>) or scorpion fish (<i>Cottus ssp.</i>) to be used as bait, nets with any mesh size may be used. | From 1 July to 15 September |
| Kattegat | The use or carrying on board of beam trawls ⁽⁵⁰⁴⁾ (Any such nets aboard to be lashed and stowed) | |
| Whole area | The sale, display or offer for sale of marine organisms caught using any kind of projectile is prohibited ⁽⁵⁰⁵⁾ | |

Mediterranean Sea

Table 25 — Prohibited gears, Mediterranean Sea

| Area | Prohibition | Further conditions |
|------------|---|--|
| Whole area | Fishing with trawl nets, dredges, purse seines, boat seines, shore seines or similar nets above seagrass beds of, in particular, <i>Posidonia oceanica</i> or other marine <i>phanerogams</i> ⁽⁵⁰⁶⁾ | The inspector should be aware that certain seine vessels may be allowed to fish under the authorisation of a management plan. In addition, the use of towed nets by vessels of no more than 12 m in length and 85 kW may also be authorised by a management plan ⁽⁵⁰⁷⁾ . |
| Whole area | The use of towed dredges and trawl nets fisheries at depths beyond 1 000 m ⁽⁵⁰⁸⁾ | |
| Whole area | The use of bottom-set nets to catch the following species: albacore (<i>Thunnus alalunga</i>), bluefin tuna (<i>Thunnus thynnus</i>), swordfish (<i>Xiphias gladius</i>), ray's bream (<i>Brama brama</i>), sharks (<i>Hexanchus griseus</i> ; <i>Cetorhinus maximus</i> ; <i>Alopiidae</i> ; <i>Carcharhinidae</i> ; <i>Sphyrnidae</i> ; <i>Isuridae</i> and <i>Lamnidae</i>) ⁽⁵⁰⁹⁾ | By way of derogation, accidental by-catches of no more than three specimens of the shark species referred to may be retained on board provided that they are not protected species under Union law. |
| Whole area | The use or keeping on board of any towed net not having a minimum mesh size in the cod-end of either ⁽⁵¹⁰⁾ : 40 mm square mesh, or 50 mm diamond mesh | This shall not apply to trawl nets targeting sardine and anchovy, where these species account for at least 80 % of the catch in live weight after sorting, in which case the minimum mesh size shall be 20 mm ⁽⁵¹¹⁾ . |
| Whole area | The use or keeping on board of any surrounding net not having a minimum mesh size of 14 mm ⁽⁵¹²⁾ | The inspector should be aware that certain seine vessels may be allowed to fish under a derogation issued by the flag Member State. |
| Whole area | The use or keeping on board of any bottom-set gillnet not having a minimum mesh size of 16 mm ⁽⁵¹³⁾ . | This shall not apply to bottom-set nets targeting red sea bream, where these species account for at least 20 % of the catch in live weight after sorting, in which case the minimum mesh size shall be 100 mm ⁽⁵¹⁴⁾ . |

⁽⁵⁰³⁾ Article 37 of Council Regulation (EC) No 850/98.

⁽⁵⁰⁴⁾ Article 39 of Council Regulation (EC) No 850/98.

⁽⁵⁰⁵⁾ Article 31(2) of Council Regulation (EC) No 850/98.

⁽⁵⁰⁶⁾ Article 4(1) of Council Regulation (EC) No 1967/2006.

⁽⁵⁰⁷⁾ Article 4(5) of Council Regulation (EC) No 1967/2006.

⁽⁵⁰⁸⁾ Article 16 of Regulation (EU) No 1343/2011.

⁽⁵⁰⁹⁾ Article 8(2) of Council Regulation (EC) No 1967/2006.

⁽⁵¹⁰⁾ Article 9 of Council Regulation (EC) No 1967/2006.

⁽⁵¹¹⁾ Article 9(4) of Council Regulation (EC) No 1967/2006.

⁽⁵¹²⁾ Article 9(5) of Council Regulation (EC) No 1967/2006.

⁽⁵¹³⁾ Article 9(6) of Council Regulation (EC) No 1967/2006.

⁽⁵¹⁴⁾ Article 9(6)(b) of Council Regulation (EC) No 1967/2006.

| | |
|--------------------|---------------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

| | | |
|--|--|---|
| Whole area | The use of towed gears within 3 nautical miles of the coast or within the 50-m isobath, where that depth is reached at a shorter distance from the coast ⁽⁵¹⁵⁾ | However, the use of dredges shall be authorised within 3 nautical miles irrespective of the depth provided that the catch of species other than shellfish does not exceed 10 % of the total live weight. |
| Whole area | The use of trawl nets within 1.5 nautical miles of the coast, and the use of boat dredges and of hydraulic dredges within 0.3 nautical miles of the coast ⁽⁵¹⁶⁾ | The inspector should be aware that certain trawl vessels may be allowed to fish within 0.7 and 1.5 nautical miles of the coast under a derogation issued by the flag Member State ⁽⁵¹⁷⁾ . |
| Whole area | The use of purse seines within 300 m of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast ⁽⁵¹⁸⁾ | |
| Whole area | The use of dredges for sponge fishing within the 50 m isobath and within 0.5 nautical miles of the coast ⁽⁵¹⁹⁾ | |
| Whole area | The use of towed nets, surrounding nets, purse seines, boat dredges, mechanised dredges, gillnets, trammel nets and combined bottom-set nets for leisure fisheries, and the use of long lines in leisure fisheries for highly migratory species ⁽⁵²⁰⁾ | |
| The zone extending up to 25 nautical miles from baselines around the Maltese islands | Fishing by vessels other than those less than 12 m overall and using other than towed gears ⁽⁵²¹⁾ | The inspector should be aware that certain trawlers up to 24 m may be allowed to fish under a special permit, which should be carried aboard. The inspector should also be aware that the fishing capacity of any trawler authorised to operate at a depth of less than 200 m must not exceed 185 kW ⁽⁵²²⁾ . |
| Whole area | Fishing for dolphinfish (<i>Coryphaena spp.</i>) by fish-aggregating devices ⁽⁵²³⁾ | From 1 January to 14 August The inspector should be aware that certain vessels may be allowed to fish until 31 January under a roll-over derogation issued by the Member State. |
| Whole area | The use of every fishing gears to catch swordfish during closure season | From 1 October to 30 November + 1 month |
| Whole area | The use of spear guns in conjunction with underwater breathing apparatus (aqualung, scuba) is prohibited. The use of spear guns is prohibited at night, from sunset to dawn ⁽⁵²⁴⁾ . | |

⁽⁵¹⁵⁾ Article 13(1) of Council Regulation (EC) No 1967/2006.

⁽⁵¹⁶⁾ Article 13(2) of Council Regulation (EC) No 1967/2006.

⁽⁵¹⁷⁾ Article 13(5) of Council Regulation (EC) No 1967/2006.

⁽⁵¹⁸⁾ Article 13(3) of Council Regulation (EC) No 1967/2006.

⁽⁵¹⁹⁾ Article 13(4) of Council Regulation (EC) No 1967/2006.

⁽⁵²⁰⁾ Article 17 of Council Regulation (EC) No 1967/2006.

⁽⁵²¹⁾ Article 26 of Council Regulation (EC) No 1967/2006.

⁽⁵²²⁾ Article 26(2) of Council Regulation (EC) No 1967/2006.

⁽⁵²³⁾ Article 12 of Regulation (EU) No 1343/2011 of the European Parliament and of the Council.

⁽⁵²⁴⁾ Article 8(4) of Council Regulation (EC) No 1967/2006.

⁽⁵²⁵⁾ Article 15(2) of Regulation (EU) No 1343/2011 of the European Parliament and of the Council.

Black Sea

Table 26 — *Prohibited gears, Black Sea*

| Area | Prohibition | Further conditions |
|------------|--|--------------------|
| Whole area | The use or keeping on board of any towed net not having a minimum mesh size in the cod-end of either ⁽⁵²⁵⁾ : 40 mm square mesh, or 50 mm diamond mesh | |

Part C. Methodology

The inspector should establish whether the gear is prohibited by performing the following procedure:

| | |
|--------------------------|--------------------|
| Conformity of gear | Module 4 |
| Check conformity of gear | Section 4.2 |

- Establish whether the gear appears on the list of prohibited gears, bearing in mind the area of operation, the period and the type of gear in use.
- If the gear appears on such a list, check further whether the gear is indeed prohibited, bearing in mind any additional conditions or derogations relevant to that particular gear.
- Due to the complexity of the requirements, best practice would be for the inspector to be in possession of a summary of these requirements relevant to the area of inspection activities. This would allow the inspector to cross-reference any apparent infringement before taking appropriate enforcement action.

| | |
|--------------------|--------------------------|
| Module 4 | Conformity of gear |
| Section 4.2 | Check conformity of gear |

ANNEX 1

| Fishing gear description ⁽⁵²⁶⁾ | CODE |
|---|------|
| TRAWL NETS | |
| Bottom otter trawl | OTB |
| Nephrop trawl | TBN |
| Shrimp trawl | TBS |
| Bottom trawl (not specified) | TB |
| Beam trawl | TBB |
| Otter twin trawl | OTT |
| Bottom pair trawl | PTB |
| Midwater otter trawl | OTM |
| Midwater pair trawl | PTM |
| SEINES | |
| Danish anchor seine | SDN |
| Scottish seine (fly dragging) | SSC |
| Scottish pair seine (fly dragging) | SPR |
| Seine nets (not specified) | SX |
| Boat or vessel seine | SV |
| SURROUNDING NETS | |
| Surrounding net with purse line (purse seine) | PS |
| One boat operated purse seine | PS1 |
| Two boat operated purse seine | PS2 |
| Surrounding net without purse line (lampara) | LA |
| DREDGES | |
| Boat dredges | DRB |
| GILLNETS AND ENTANGLING NETS | |
| Gillnets (not specified) | GN |
| Gillnets anchored (set) | GNS |
| Gillnets (drift) | GND |
| Gillnets (circling) | GNC |
| Combined gillnets — trammel nets | GTN |
| Trammel nets | GTR |
| TRAPS | |
| Pots | FPO |
| Traps (not specified) | FIX |
| HOOKS AND LINES | |
| Hand lines and pole lines (hand operated) | LHP |
| Hand lines and pole lines (mechanised) | LHM |
| Set long lines | LLS |
| Drifting long lines | LLD |
| Long lines (not specified) | LL |
| Trolling lines | LTL |
| Hooks and lines (not specified) | LX |
| HARVESTING MACHINES | |
| Mechanised dredges | HMD |
| Miscellaneous gear | MIS |
| Recreational gear | RG |
| Gear not known or not specified | NK |

⁽⁵²⁶⁾ Annex IX to Commission Implementing Regulation (EU) No 404/2011.

APPENDIX 1: Bibliography

None.

APPENDIX 2: Links and references

None.

APPENDIX 3: Legislation

- Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets.
- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland.
- Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e.
- Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98.
- Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.
- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94.
- Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets.
- 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/20.
- Commission Regulation (EU) No 686/2010 of 28 July 2010 amending Council Regulation (EC) No 2187/2005 as regards specifications of Bacoma window and T90 trawl in fisheries carried out in the Baltic Sea, the Belts and the Sound.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing

a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

- Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.
- Commission Implementing Regulation (EU) No 737/2012 of 14 August 2012 on the protection of certain stocks in the Celtic Sea.
- Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007
- United Nations Convention on the Law of the Sea.

Module 5 Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation

Section 5.1 Check conformity with conservation measures adopted for specific regions/stocks 2

Chapter 5.1.1 — Check required declarations made by the master with regard to conservation measures adopted for specific regions/stocks 4

Chapter 5.1.2 — Check conformity of gear with regard to conservation measures adopted for specific regions/stocks 16

Appendix 1. Bibliography 27

Appendix 2. Links and references 27

Appendix 3. Legislation 27

Section 5.2 Check conformity with the landing obligation and discard plans 29

Chapter 5.2.1 — Verify compliance with the landing obligation 30

Chapter 5.2.2 — Verify compliance with discard plans 37

Appendix 1. Bibliography 45

Appendix 2. Links and references 45

Appendix 3. Legislation 45

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

Section 5.1 Check conformity with conservation measures adopted for specific regions/stocks

Coverage: All EU areas and all EU vessels

Objective

This section aims to give the trainee an understanding of relevant Union conservation measures ⁽⁵²⁷⁾, in particular those adopted for specific maritime regions and/or stocks such as multiannual plans.

Overview

Multiannual plans are concerned with management of the principal species being fished in Union waters. All of them seek to establish stock management objectives in terms of individual breeding biomass and fishing mortality. Most of the multiannual plans currently drawn up are concerned with total allowable catches (TACs). However, a number of them also refer to other instruments such as technical measures, fishing effort restrictions or specific monitoring rules.

Following the latest common fisheries policy (CFP) reform ⁽⁵²⁸⁾, multiannual plans must all include a maximum sustainable yield target and a deadline for achieving it, a discard ban and compulsory landing implementation provisions, remedial safeguards and review clauses. Two quantifiable targets for multiannual plans — fishing mortality and spawning stock biomass — are also established. An essential element of CFP reform that affects both multiannual plans and technical measures is regionalisation or regional cooperation regarding conservation measures. Multiannual plans appear to be the main vehicle for the adoption and implementation of specific technical measures in the context of regionalisation.

Where the Commission is accorded delegation of powers relating to multiannual plans, the conservation measures necessary under EU environmental legislation or compulsory landing, the Member States affected may submit joint recommendations within a specified period. Regarding the implementation of these recommendations, Member States are required to consult the advisory councils. The Commission may adopt the measures recommended by delegated acts and may also submit proposals if the Member States do not all succeed in agreeing on joint recommendations within the time limit set. The Commission may also submit proposals if the joint recommendations are deemed not to be compatible with the objectives and quantifiable targets of the conservation measures. The only possible action that may be taken by the European Parliament is to object to a delegated act within a period of 2 months.

These new provisions have an impact on technical measures, largely depend on the presence or absence of multiannual plans and require the adoption of delegated acts by the Commission. For example, where no multiannual plan or management plan has been adopted for a given fishery, the Commission is empowered to adopt delegated acts laying down on a temporary basis (no more than 3 years) a specific discard plan, which can also include modifications regarding minimum size.

The adoption of specific control and inspection programmes (SCIPs) enables Member States to provide effective resources and is facilitated through joint deployment plans (JDPs), with the operational coordination between Member States being facilitated through the EFCA ⁽⁵²⁹⁾.

It is therefore important that inspectors, and in particular Union inspectors, be aware of the control provisions of multiannual plans and their associated conservation measures, especially the specific recording and reporting obligations placed upon the master.

⁽⁵²⁷⁾ Articles 6 to 20 of Regulation (EU) No 1380/2013.

⁽⁵²⁸⁾ Regulation (EU) No 1380/2013.

⁽⁵²⁹⁾ Articles 4, 5, 7, 8, 9 and 10 of Council Regulation (EC) No 768/2005.

| | |
|--|--------------------|
| Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation | Module 5 |
| Check conformity with conservation measures adopted for specific regions/stocks | Section 5.1 |

Entry requirements

The trainee should have completed national fisheries training programmes and have sufficient experience as a national inspector to meet the criteria established for a Union inspector ⁽⁵³⁰⁾.

⁽⁵³⁰⁾ Article 119 of Commission Implementing Regulation (EC) No 404/2011.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

Chapter 5.1.1 — Check required declarations made by the master with regard to conservation measures adopted for specific regions/stocks

Part A. Introduction

This chapter deals with declarations made by the master in respect of conservation measures and focuses on multiannual plans.

Part B. Concepts and definitions

(a) Conservation measures

Measures ⁽⁵³¹⁾ for the conservation and sustainable exploitation of marine biological resources may include, *inter alia*, the following.

- Multiannual plans.
- Targets for the conservation and sustainable exploitation of stocks and related measures to minimise the impact of fishing on the marine environment.
- Measures to adapt the fishing capacity of fishing vessels to available fishing opportunities.
- Incentives, including those of an economic nature, such as fishing opportunities, to promote fishing methods that contribute to more selective fishing, to the avoidance and reduction, as far as possible, of unwanted catches and to fishing with low impact on the marine ecosystem and fishery resources.
- Measures on the fixing and allocation of fishing opportunities.
- Measures to achieve the objectives of the landing obligation.
- Minimum conservation reference sizes (MCRS).
- Pilot projects on alternative types of fishing management techniques and on gears that increase selectivity or that minimise the negative impact of fishing activities on the marine environment.
- Measures necessary for compliance with obligations under Union environmental legislation.
- Technical measures.

(b) Multiannual plans

Multiannual plans ⁽⁵³²⁾ are conservation measures adopted for several years to restore and maintain particular fish stocks above levels capable of producing the maximum sustainable yield ⁽⁵³³⁾.

(c) Maximum sustainable yield (MSY)

MSY is defined as the highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process. The TAC is the maximum catch that can be taken that still enables a stock to recover or maintain its population size.

(d) Specific control and inspection programme (SCIP)

A SCIP ⁽⁵³⁴⁾ is a decision adopted by the Commission in concert with Member States and provides for control and inspection objectives, priorities and procedures, as well as benchmarks for control and inspection activities associated with a multiannual plan. The SCIP is established for a limited period that may be extended. The respective levels for control and inspections are implemented by the Member States that have a direct fisheries management interest on the basis of a risk management strategy and benchmarks defined by the SCIP.

⁽⁵³¹⁾ Article 7 of Regulation (EU) No 1380/2013.

⁽⁵³²⁾ Articles 9 and 10 of Regulation (EU) No 1380/2013.

⁽⁵³³⁾ Point 7 of Article 4(1) of Regulation (EU) No 1380/2013.

⁽⁵³⁴⁾ Article 95 of Council Regulation (EC) No 1224/2009.

Part C. Data and information sources

Electronic reporting system (ERS).

Logbook.

Vessel monitoring system (VMS).

Prior notifications.

Part D. Methodology

The following subparts outline the general and specific additional requirements for declarations and associated inspection activities in each of the current multiannual plans in EU and other waters and, where appropriate, the associated SCIPs, which will be covered in Chapter 6.2.1.

General

Prior notification of arrival in port. Masters of vessels over 12 m length overall engaged in fisheries subject to multiannual plans shall send a prior notification message at least 4 hours in advance of arrival in port. The inspector should verify that the prior notification contains as a separate entry details of quantities of species subject to the landing obligation that are retained on board and that are below the applicable MCRS for each species ⁽⁵³⁵⁾.

Landing obligation. The inspector should also ensure that any quantities of species subject to the landing obligation below the applicable MCRS retained on board are stowed separately and not mixed with other species, unless the vessel has a length overall of less than 12 m ⁽⁵³⁶⁾ or unless the catches contain more than 80 % of small pelagic or industrial species ⁽⁵³⁷⁾.

VMS. The inspector should cross-check the declared fishing areas against the VMS.

Baltic Sea

Multiannual plan for stocks of cod, herring and sprat in the Baltic Sea ⁽⁵³⁸⁾

Logbook. Inspectors should verify that masters of vessels with a length overall of 8 m or more engaged in targeted fishing for cod shall comply with the obligation to keep and submit a logbook of their operations ⁽⁵³⁹⁾. For catches that are landed unsorted, the permitted margin of tolerance shall be 10 % of the total quantity retained on board ⁽⁵⁴⁰⁾.

Prior notification ⁽⁵⁴¹⁾. Inspectors should verify that masters of vessels with a length overall of 8 m or more having more than 300 kg live weight of cod or 2 tonnes of pelagic stocks retained on board comply with the obligation to send a prior notification message at least 1 hour before the estimated time of arrival in port. The competent authorities of the coastal Member State may, on a case-by-case basis, give permission for an earlier entry into port ⁽⁵⁴²⁾.

Designated port. Inspectors should verify the quantities of cod on board with the estimates recorded in the logbook in accordance with the obligation to land > 750 kg of cod or 5 tonnes of pelagic stocks in a designated port ⁽⁵⁴³⁾.

SCIP. The associated SCIP concerning exploitation of cod, herring, salmon and sprat in the Baltic Sea is covered in Chapter 6.2.1.

⁽⁵³⁵⁾ Articles 17 and 18 of Council Regulation (EC) No 1224/2009.

⁽⁵³⁶⁾ Article 49a of Council Regulation (EC) No 1224/2009.

⁽⁵³⁷⁾ Species as listed in Article 15(1) of Regulation (EU) No 1380/2013.

⁽⁵³⁸⁾ Regulation (EU) No 2016/1139.

⁽⁵³⁹⁾ Article 12 of Regulation (EU) No 2016/1139.

⁽⁵⁴⁰⁾ Article 13 of Regulation (EU) No 2016/1139.

⁽⁵⁴¹⁾ Article 11 of Regulation (EU) No 2016/1139.

⁽⁵⁴²⁾ Article 17 of Regulation (EU) No 2016/1139.

⁽⁵⁴³⁾ Article 18 of Regulation (EU) No 2016/1139.

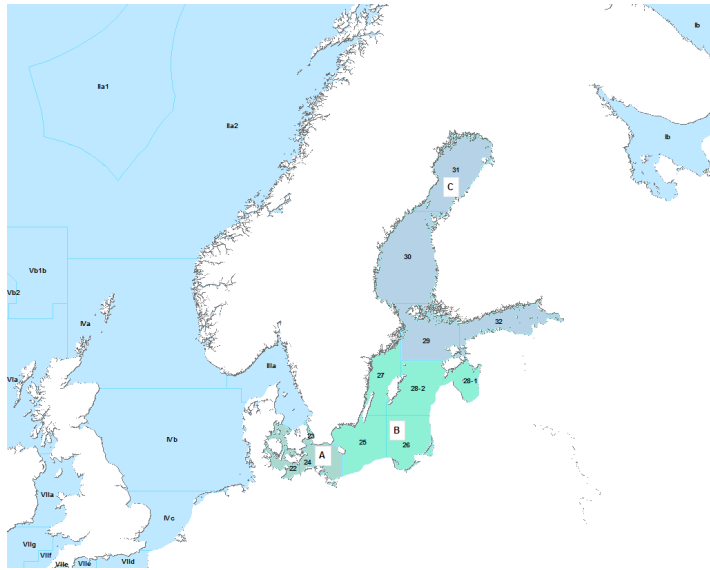


Figure 99 — Areas covered by the multiannual plan for stocks of cod, herring and sprat in the Baltic Sea

Region 2

Long-term plan for cod stocks ⁽⁵⁴⁴⁾

Designated port. Any landings of over 2 tonnes of cod shall be made in a designated port ⁽⁵⁴⁵⁾. Therefore, the inspector should pay careful attention to the quantities of cod retained on board that are to be landed and recorded in the logbook.

Separate stowage. The inspector should ensure that the quantities of cod on board are not mixed with other species and that they have been stowed separately in the fish room according to a stowage plan ⁽⁵⁴⁶⁾.

SCIP. The associated SCIP concerning exploitation of stocks of cod, plaice and sole in the North Sea, Kattegat, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea is covered in Chapter 6.2.1.

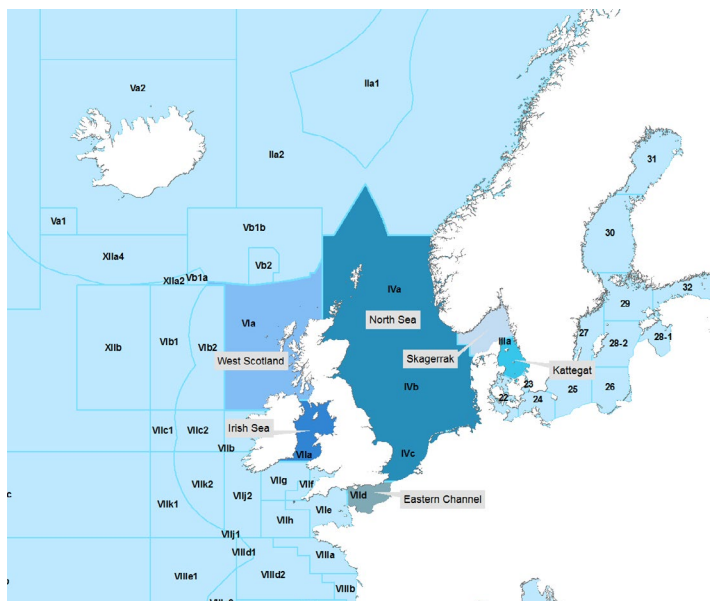


Figure 100 — Areas covered by the long-term plan for cod stocks

⁽⁵⁴⁴⁾ Council Regulation (EC) No 1342/2008.

⁽⁵⁴⁵⁾ Article 25 of Council Regulation (EC) No 1342/2008.

⁽⁵⁴⁶⁾ Article 44 of Council Regulation (EC) No 1224/2009.

Multiannual plan for plaice and sole in the North Sea ⁽⁵⁴⁷⁾

Separate stowage. The inspector should ensure that the quantities of plaice and sole retained on board are to be landed. The inspector should also ensure they are not mixed with other species and that they have each been stowed separately in the fish room according to a stowage plan ⁽⁵⁴⁸⁾.

SCIP. The associated SCIP concerning exploitation of stocks of cod, plaice and sole in the Kattegat, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea is covered in Chapter 6.2.1.

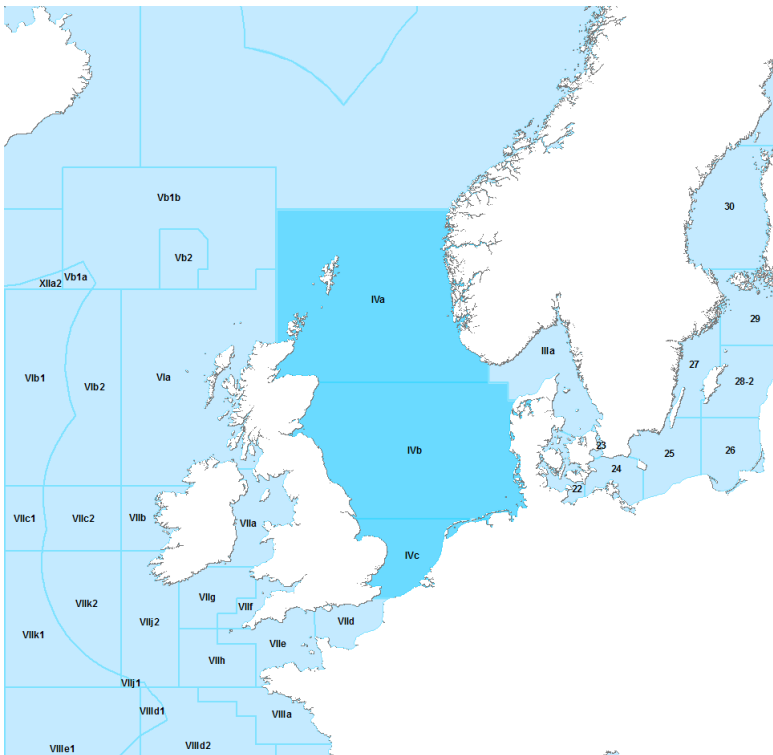


Figure 101 — Areas covered by the multiannual plan for plaice and sole in the North Sea

Multiannual recovery plan for northern hake ⁽⁵⁴⁹⁾

Separate stowage. The inspector should ensure that the quantities of hake retained on board are to be landed. The inspector should also ensure they are not mixed with other species and that they have each been stowed separately in the fish room according to a stowage plan ⁽⁵⁵⁰⁾.

Designated port. Any landings of over 2 tonnes of northern hake must be made in a designated port ⁽⁵⁵¹⁾. Therefore, the inspector should pay careful attention to the quantities of hake retained on board.

Inspectors should note that there is no SCIP associated with the recovery plan and, in planning for inspections, should take account of specific inspection benchmarks set out in the national control action programme.

(⁵⁴⁷) Article 44 of Council Regulation (EC) No 1224/2009, and Council Regulation (EC) No 676/2007.

⁽⁵⁴⁸⁾ Article 44 of Council Regulation (EC) No 1224/2009.

(⁵⁴⁹) Council Regulation (EC) No 811/2004.

⁽⁵⁵⁰⁾ Article 44 of Council Regulation (EC) No 1224/2009.

(⁵⁵¹) Article 9 of Council Regulation (EC) No 811/2004.

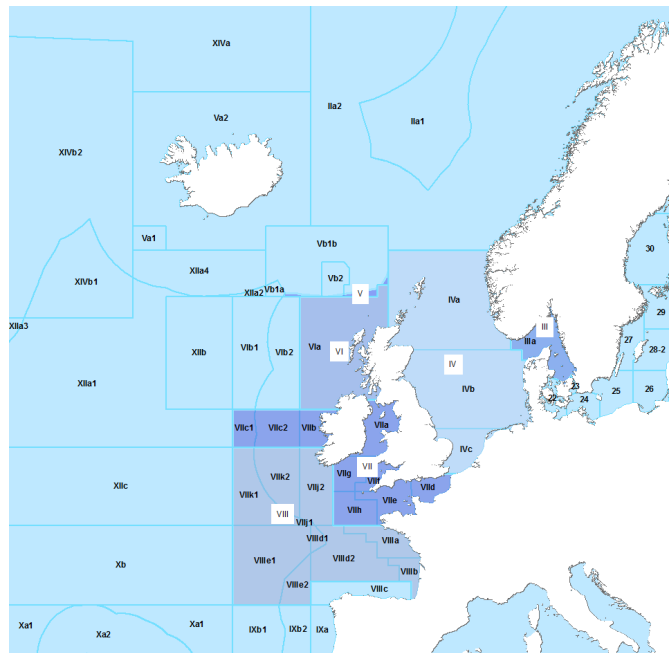


Figure 102 — Areas covered by the multiannual recovery plan for northern hake

Multiannual plan for sole in the western Channel ⁽⁵⁵²⁾

Separate stowage. The inspector should ensure that the quantities of sole retained on board are not mixed with other species and that they have been stowed separately in the fish room according to a stowage plan ⁽⁵⁵³⁾.

The inspector should note that there are no additional requirements for declarations by the master in the multiannual plan.

Inspectors should also note that there is no SCIP associated with the multiannual plan and, in planning for inspections, should take account of specific inspection benchmarks set out in the national control action programme.

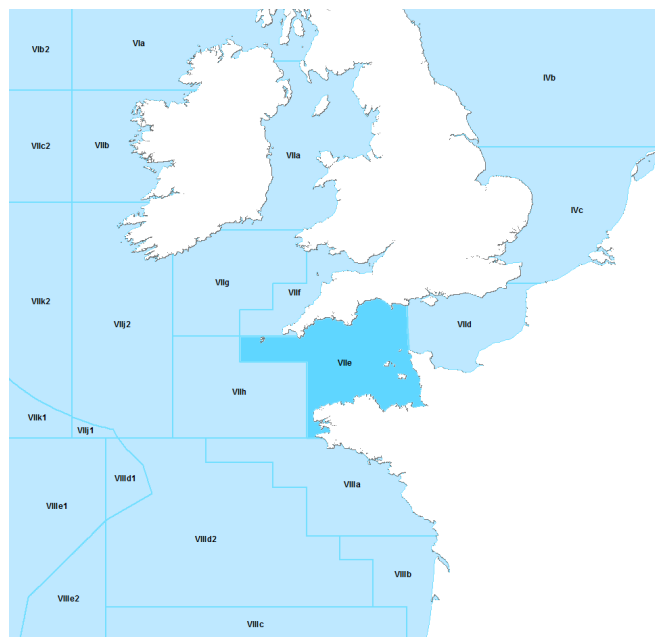


Figure 103 — Area covered by the multiannual plan for sole in the Western Channel

⁽⁵⁵²⁾ Council Regulation (EC) No 509/2007.

⁽⁵⁵³⁾ Article 44 of Council Regulation (EC) No 1224/2009.

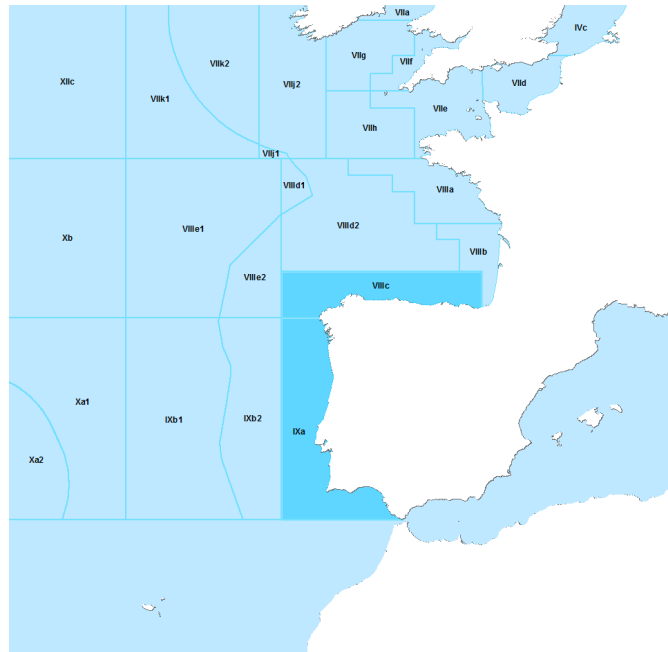


Figure 105 — Areas covered by the multiannual plan for recovery of southern hake and Norway lobster in the Cantabrian Sea and the western Iberian peninsula

Multiannual plan for sole in the Bay of Biscay ⁽⁵⁵⁷⁾

Separate stowage. The inspector should ensure that the quantities of sole retained on board are not mixed with other species and that they have been stowed separately in the fish room according to a stowage plan ⁽⁵⁵⁸⁾;

There are no additional requirements for declarations by the master in the recovery plan;

Inspectors should note that there is no SCIP associated with the recovery plan and, in planning for inspections, should take account of specific inspection benchmarks set out in the national control action programme.

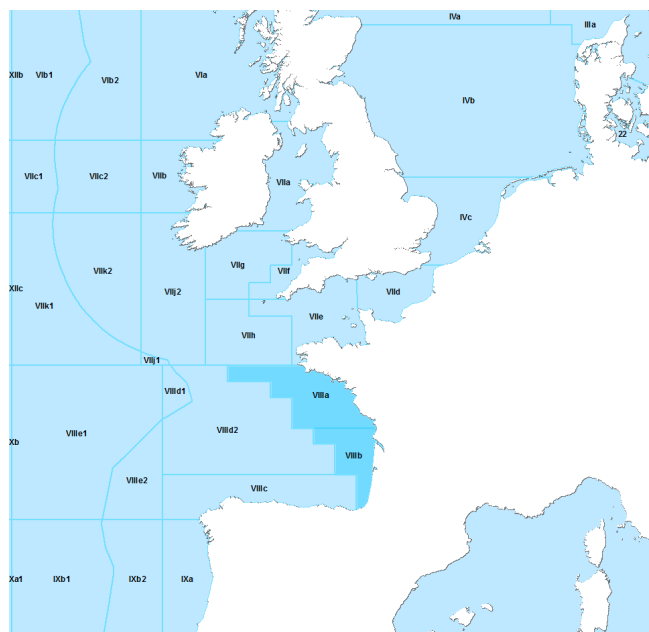


Figure 106 — Areas covered by the multiannual plan for sole in the Bay of Biscay

⁽⁵⁵⁷⁾ Council Regulation (EC) No 388/2006.

⁽⁵⁵⁸⁾ Article 44 of Council Regulation (EC) No 1224/2009.

Mediterranean and eastern Atlantic

Multiannual plan for bluefin tuna in the eastern Atlantic and Mediterranean Sea ⁽⁵⁵⁹⁾

General principle. A vessel that has failed in its catch reporting requirement must be physically inspected ⁽⁵⁶⁰⁾.

Logbook. Inspectors should verify that the master has conformed with the additional obligations to the standard logbook rules (see Chapter 2.2.3). Specifically, the master of a vessel in a fishing operation for bluefin tuna, including joint fishing operations, must record certain additional information ⁽⁵⁶¹⁾, including in particular the following.

- Vessel name, register number, International Commission for the Conservation of Atlantic Tunas (ICCAT) number and International Maritime Organisation (IMO) number (if available). In case of joint fishing operations, vessel names, register numbers, ICCAT numbers and IMO numbers (if available) of all the vessels involved in the operation.
- Operations at sea recorded with one line (minimum) per day of trip, exact daily positions (in degree and minutes) recorded for each fishing operation or at noon when no fishing has been conducted during the day.
- Observer's signature (if applicable).
- Means of weight measure: estimation, weighing on board.
- For catching vessels involved in a joint fishing operation ⁽⁵⁶²⁾:
 - as regards the catching vessel transferring the fish into cages:
 - » the date and the time of the transfer;
 - » the location of the transfer (longitude/latitude);
 - » amount of catches taken on board and number of fish and quantity in kg transferred into cages;
 - » amount of catches counted against its individual quota;
 - » the name of the towing vessel and its ICCAT number;
 - » the name of the farm of destination and its ICCAT number.
 - as regards the other catching vessel(s) not involved in the transfer of the fish:
 - » the date and the time of the transfer;
 - » the location of the transfer (longitude/latitude);
 - » that no catches have been taken on board or transferred into cages;
 - » the amount of catches counted against their individual quotas;
 - » the name and the ICCAT number of the catching vessel transferring the fish into cages (meaning the vessel that actually caught the fish);
 - » the name of the towing vessel and its ICCAT number;
 - » the name of the farm of destination and its ICCAT number.

Catch reports. Inspectors should verify that the master of a purse seine catching vessel with a length overall of more than 24 m sends a daily catch report. Inspectors should also check that the masters of other vessels send a weekly catch report in the required format and with the required data ⁽⁵⁶³⁾.

Prior notification of arrival. Masters of fishing vessels of 12 metres length overall or more shall notify the following information at least 4 hours in advance of arrival to the competent authority of the Member State (including the flag Member State) or Contracting Party whose ports or landing facility they wish to use: ⁽⁵⁶⁴⁾.

- the external identification number and the name of the fishing vessel;
- the name of the port of destination and the purposes of the call, such as landing, transshipment or access to services;
- the dates of the fishing trip and the relevant geographical areas in which the catches were taken;
- the estimated date and time of arrival at port;

⁽⁵⁵⁹⁾ Regulation (EU) No 2016/1627.

⁽⁵⁶⁰⁾ Article 54 of Regulation (EU) No 2016/1627.

⁽⁵⁶¹⁾ Article 25 of Regulation (EU) No 2016/1627.

⁽⁵⁶²⁾ Article 25 and Annex II.A. of Regulation (EU) No 2016/1627.

⁽⁵⁶³⁾ Article 26 of Regulation (EU) No 2016/1627.

⁽⁵⁶⁴⁾ Article 17 of Council Regulation (EC) No 1224/2009 and Article 31 of Regulation (EU) No 2016/1627.

- the quantities of each species recorded in the fishing logbook, including those below the applicable minimum conservation reference size, as a separate entry;
- the quantities of each species to be landed or trans-shipped, including those below the applicable minimum conservation reference size, as a separate entry.

Masters of Union fishing vessels under 12 metres length overall shall, within the same deadline, notify the competent authority of the Member State (including the flag Member State) or the CPC whose ports or landing facility they wish to use, at least of the following:

- estimated time of arrival;
- estimated quantity of bluefin tuna retained on board; and
- information on the geographical area where the catches were taken.

Designated ports. All landings or transshipments of bluefin tuna must be carried out in a designated port ⁽⁵⁶⁵⁾.

Transfer operations. The master shall give prior notice of a transfer operation ⁽⁵⁶⁶⁾ and the flag state shall authorise or not authorise the transfer operation within 48 hours. If the transfer is not authorised the fish has to be released into the sea. The master shall complete and submit an ICCAT transfer declaration and the original of the transfer declaration must accompany the transfer of fish. The ICCAT transfer declaration must be verified by the ICCAT regional observer. The transfer must be monitored by video camera in the water.



Figure 107 — Caging transfer (underwater monitoring)



Figure 108 — Transshipment of bluefin tuna from a catching vessel (purse seiner) to another vessel

⁽⁵⁶⁵⁾ Article 30 of Regulation (EU) No 2016/1627.

⁽⁵⁶⁶⁾ Article 33 of Regulation (EU) No 2016/1627

Transshipment. Transshipment at sea is prohibited in Union waters ⁽⁵⁶⁷⁾. The master of the receiving vessel must notify the following information at least 48 hours' prior to transshipment in port.

- Estimated date, time and port of arrival.
- Estimated quantity of bluefin tuna retained on board and information on the geographic area where it was taken.
- The name of the transshipping fishing vessel and its number in the ICCAT record of catching vessels authorised to fish actively for bluefin tuna or in the ICCAT record of other fishing vessels authorised to operate in the eastern Atlantic and Mediterranean.
- The name of the receiving fishing vessel, its number in the ICCAT record of catching vessels authorised to fish actively for bluefin tuna or in the ICCAT record of other fishing vessels authorised to operate in the eastern Atlantic and Mediterranean.
- The tonnage and the geographic area of the catch of bluefin tuna to be transhipped.

The master of the transshipping fishing vessel must notify the following information and not commence transshipment until authorised.

- The quantities of bluefin tuna to be transhipped.
- The date and port of the transshipment.
- The name, registration number and flag of the receiving fishing vessel and its number in the ICCAT record of catching vessels authorised to fish actively for bluefin tuna or in the ICCAT record of other fishing vessels authorised to operate for bluefin tuna.
- The geographical area of the catch of bluefin tuna.

The receiving vessel should be inspected in advance of transshipment and an ICCAT transshipment declaration shall be completed and submitted to the competent authorities by the master of the fishing vessel no later than 48 hours after the transshipment ⁽⁵⁶⁸⁾.

Caging operations. A caging report, validated by the ICCAT regional observer, must be submitted within 1 week of a caging operation ⁽⁵⁶⁹⁾. It shall be prohibited to place bluefin tuna in cages for the purpose of farming or fattening if they are not accompanied by a bluefin tuna catch document (BCD) ⁽⁵⁷⁰⁾. The caging operation must be monitored by video camera in the water.

⁽⁵⁶⁷⁾ Articles 20 and 43(5) of Council Regulation (EC) No 1224/2009.

VMS. All fishing vessels ⁽⁵⁷¹⁾, including tug and towing vessels irrespective of their length, are subject to VMS provisions ⁽⁵⁷²⁾. Fishing vessels authorised to fish actively ⁽⁵⁷³⁾ for bluefin tuna that are included in the ICCAT record of 'catching vessels' shall start transmitting at least 15 days before their period of authorisation and shall continue to transmit until 15 days after their period of authorisation. Fishing vessels included in the ICCAT records of 'BFT other vessel' shall transmit VMS positions for the whole period of authorisation.

⁽⁵⁶⁸⁾ Article 32 of Regulation (EU) No 2016/1627.

⁽⁵⁶⁹⁾ Articles 40-48 of Regulation (EU) No 2016/1627.

⁽⁵⁷⁰⁾ Regulation (EU) No 640/2010.

Tuna trap activities. Catches shall be recorded within 48 hours of any fishing activity using traps ⁽⁵⁷⁴⁾.

⁽⁵⁷¹⁾ Article 3 of Regulation (EU) No 2016/1627.

Cross-checks. Member States shall cross-check inspection reports, national observer reports, VMS data, logbooks and transfer/transshipment documents ⁽⁵⁷⁵⁾.

⁽⁵⁷²⁾ Article 49 of Regulation (EU) No 2016/1627.

The associated SCIP established for fisheries exploiting stocks of bluefin tuna in the eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and sardine and anchovy in the northern Adriatic is covered in Chapter 6.2.1 ⁽⁵⁷⁶⁾.

⁽⁵⁷³⁾ Article 49 of Regulation (EU) No 2016/1627.

⁽⁵⁷⁴⁾ Article 26 of Regulation (EU) No 2016/1627.

⁽⁵⁷⁵⁾ Article 55 of Regulation (EU) No 2016/1627.

⁽⁵⁷⁶⁾ Commission Implementing Decision of 19 March 2014 (2014/156/EU).

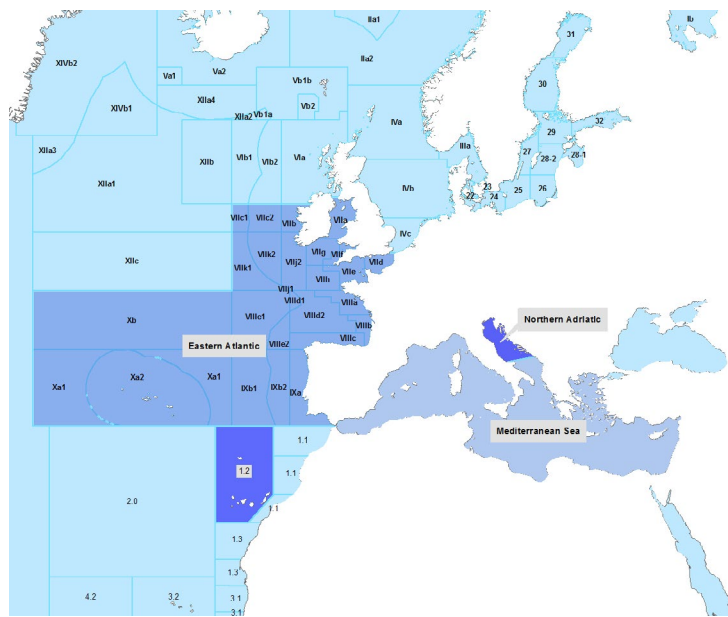


Figure 109 — Areas covered by the multiannual plan for bluefin tuna in the eastern Atlantic and Mediterranean Sea

Deep-sea stocks ⁽⁵⁷⁷⁾

Inspectors should note that there is no SCIP associated with the specific access requirements and associated conditions applicable to fishing for deep-sea stocks.

| Scientific name | Common name |
|-----------------------------------|--------------------------------------|
| <i>Aphanopus carbo</i> | Black scabbardfish |
| <i>Apristurus spp.</i> | Iceland catshark |
| <i>Argentina silus</i> | Greater silver smelt |
| <i>Beryx spp.</i> | Alfonsinos |
| <i>Centrophorus granulosus</i> | Gulper shark |
| <i>Centrophorus squamosus</i> | Leafscale gulper shark |
| <i>Centroscyllium fabricii</i> | Black dogfish |
| <i>Centroscymnus coelolepis</i> | Portuguese dogfish |
| <i>Coryphaenoides rupestris</i> | Roundnose grenadier |
| <i>Dalatias licha</i> | Kitefin shark |
| <i>Deania calceus</i> | Birdbeak dogfish |
| <i>Etmopterus princeps</i> | Greater lanternshark |
| <i>Etmopterus spinax</i> | Velvet belly |
| <i>Galeus melastomus</i> | Blackmouth dogfish |
| <i>Galeus murinus</i> | Mouse catshark |
| <i>Hoplostethus atlanticus</i> | Orange roughy |
| <i>Molva dypterygia</i> | Blue ling |
| <i>Phycis blennoides</i> | Forkbeards |
| <i>Centroscymnus crepidater</i> | Longnose velvet dogfish |
| <i>Scymnodon ringens</i> | Knifetooth dogfish |
| <i>Hexanchus griseus</i> | Six-gilled shark |
| <i>Chlamydoselachus anguineus</i> | Frilled shark |
| <i>Oxynotus paradoxus</i> | Sailfin roughshark (sharpback shark) |
| <i>Somniosus microcephalus</i> | Greenland shark |

⁽⁵⁷⁷⁾ Regulation (EU) No 2016/2336.

Inspectors should verify that a fishing vessel holds a fishing authorisation to fish for deep-sea species.

Fishing vessels not holding a deep-sea fishing authorisation shall be prohibited from fishing for deep-sea species in excess of 100 kg in each fishing trip. However unintended catches of deep-sea species subject to the landing obligation shall be landed and counted against quotas ⁽⁵⁷⁸⁾.

Inspectors should verify that the master has recorded the following additional information concerning the fishing gear in the logbook (paper or electronic format) ⁽⁵⁷⁹⁾.

- For vessels using longlines: the average number of hooks, the total time the lines have been in the sea in any 24-hour period and the number of shots, and the fishing depth.
- For vessels using fixed nets: the mesh size, the length and height of the nets, the total time the nets have been in the sea in a 24-hour period and the number of hauls, and the fishing depth.
- For vessels using trawls: the mesh size, the total time the nets have been in the sea in a 24-hour period and the number of hauls, and the fishing depth.

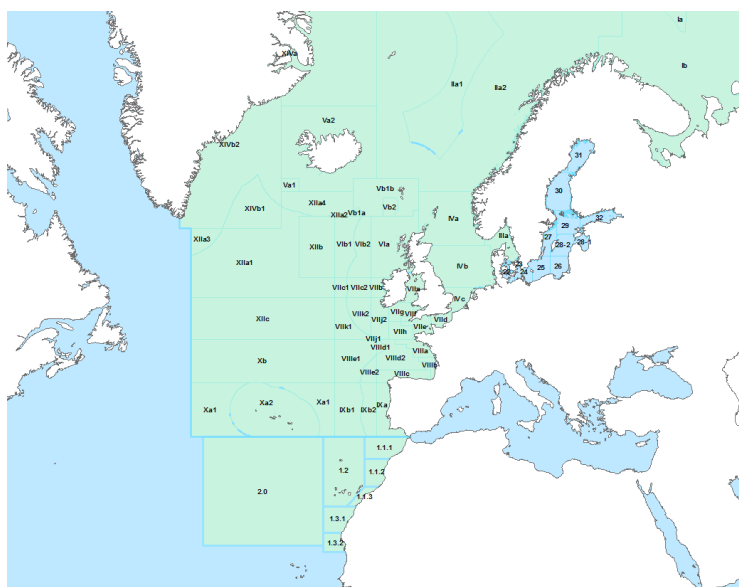


Figure 110 — Areas covered by the specific access requirements and associated conditions applicable to fishing for deep-sea stocks

⁽⁵⁷⁸⁾ Article 5 of Regulation (EU) No 2016/2336.

⁽⁵⁷⁹⁾ Article 5 of Regulation (EU) No 2016/2336.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

Chapter 5.1.2 — Check conformity of gear with regard to conservation measures adopted for specific regions/stocks

Part A. Introduction

In addition to the restrictions imposed on fishing gear that have already been addressed in Module 4, further conditions have been imposed on the use of some gears by specific legislation intended to assist the recovery of certain stocks. This type of legislation is referred to as recovery measures or multiannual or long-term plans, and is geographically orientated.

Under the rules of the CFP such legislation includes specific gear requirements applicable to exemptions from the landing obligation ⁽⁵⁸⁰⁾ and the ban on discards and unwanted catches. The requirements of these extra conditions are listed below, by geographical area.

Part B. Concepts and definitions

See Chapter 5.1.1.

Part C. Data and information sources

See Chapter 5.1.1.

Part D. Methodology

The inspector should establish the legality of the gear in regard to such conservation measures, as follows.

- Establish whether there are any additional technical measures in place, bearing in mind the area of operation, the period and the type of gear in use.
- If there are any such additional technical measures in place, check that the gear conforms to the relevant requirements.
- Due to the complexity of the requirements, best practice would be for the inspector to be in possession of a summary of these requirements relevant to the area of inspection activities. This would allow the inspector to cross-reference any apparent infringement before taking appropriate enforcement action.

⁽⁵⁸⁰⁾ Article 15 of Regulation (EU) No 1380/2013.

Baltic Sea

Multiannual plan for cod stocks in the Baltic Sea

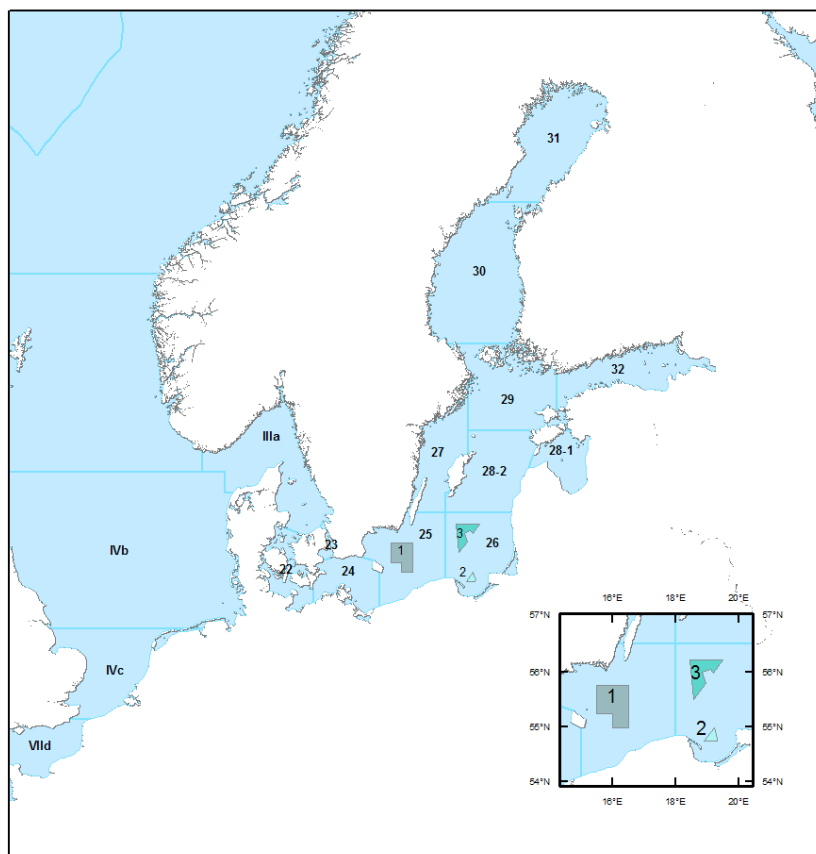


Figure 111 — Areas subject to extra technical requirements for cod in the Baltic Sea

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

Table 27 — Extra technical requirements for cod in the Baltic Sea ⁽⁵⁸¹⁾

| Area | Extra technical conditions |
|---|---|
| <p>(see Figure 111, area No 1)</p> <p>The area enclosed by straight lines sequentially joining the following geographical coordinates:</p> <p>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</p> | <p>From 1 May to 31 October:</p> <ul style="list-style-type: none"> • it shall be prohibited for fishing vessels to fish with any gear except gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm' or drifting lines; no other gear shall be kept on board; • the provision shall not apply to unintended catches of species subject to the landing obligation; any unintended catches shall be landed and counted against quota. |
| <p>(see Figure 111, area No 2)</p> <p>The area enclosed by straight lines sequentially joining the following geographical coordinates:</p> <p>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</p> | <ul style="list-style-type: none"> • From 1 May to 31 October: • it shall be prohibited for fishing vessels to fish with any gear except gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm or drifting lines; no other gear shall be kept on board; • the provision shall not apply to unintended catches of species subject to the landing obligation; any unintended catches shall be landed and counted against quota. |
| <p>(see Figure 111, area No 3)</p> <p>The area enclosed by straight lines sequentially joining the following geographical coordinates:</p> <p>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.</p> | <p>From 1 May to 31 October:</p> <ul style="list-style-type: none"> • it shall be prohibited for fishing vessels to fish with any gear except gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm or drifting lines; no other gear shall be kept on board; • the provision shall not apply to unintended catches of species subject to the landing obligation; any unintended catches shall be landed and counted against quota. |

⁽⁵⁸¹⁾ Council Regulation (EC) No 2187/2005.

Section 5.1

Long-term plans for cod stocks

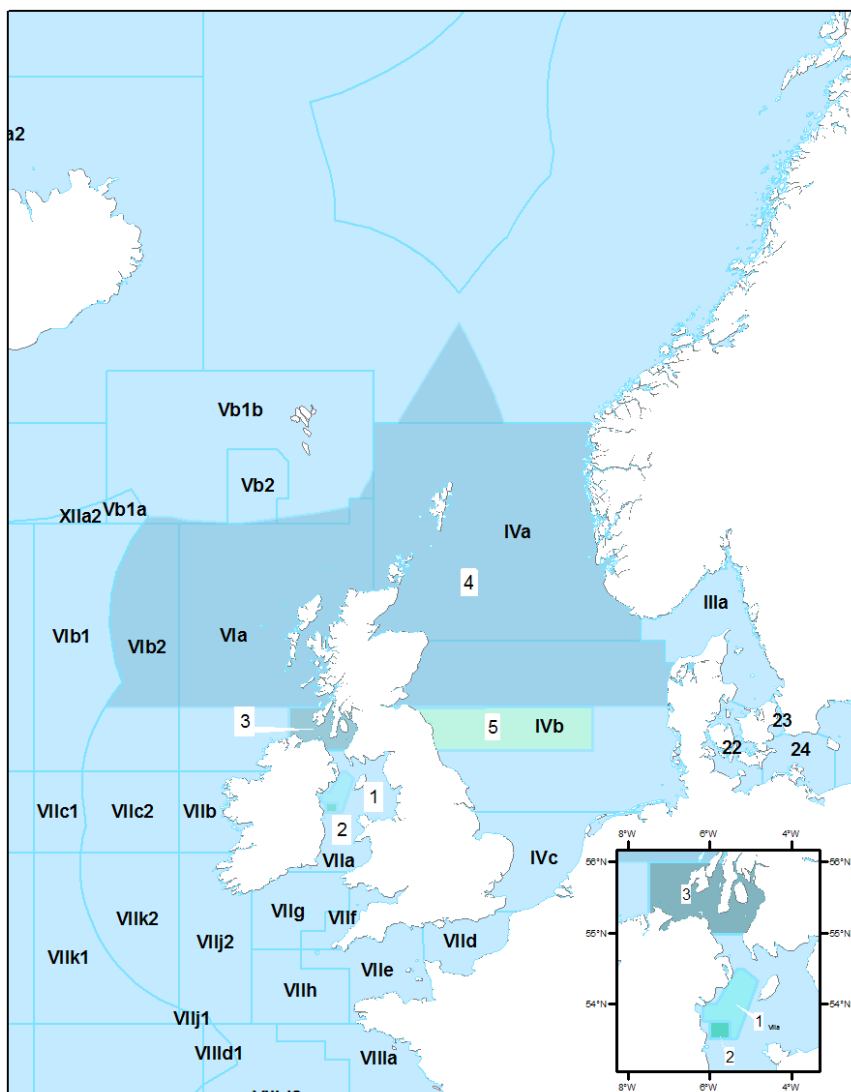


Figure 112 — Areas subject to extra technical requirements for cod stocks in Region 2

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

Table 28 — Extra technical requirements for cod in Region 2 ⁽⁵⁸²⁾

| Area | Extra technical conditions |
|---|--|
| ICES Division VIIa (Irish Sea) (see Figure 112) | <p>When fishing in the Irish Sea, it is prohibited to use ⁽⁵⁸³⁾:</p> <ul style="list-style-type: none"> • any demersal towed net other than beam trawls incorporating a cod-end and/or extension piece made entirely or partly of multiple-twine netting materials; • any demersal towed net other than beam trawls incorporating a cod-end and/or extension piece of which the thickness of the twine exceeds 6 mm; • any demersal towed net other than beam trawls incorporating a cod-end of mesh size range 70 to 79 mm or of mesh size range 80 to 89 mm having more than 120 meshes in any circumference of the cod-end excluding the joinings and selvages; • any demersal towed net which includes any individual quadrilateral mesh of which the bars of the mesh are not of approximately equal length; • any demersal towed net other than beam trawls of mesh size range 70 to 79 mm or of mesh size range 80 to 99 mm unless the entire upper half of the front part of such a net consists of a panel of netting material attached directly to the headline of the net, extending towards the rear of the net for at least 15 meshes and constructed of diamond-meshed netting material of which no individual mesh is of mesh size less than 140 mm; • any beam trawl of mesh size range 70 to 79 mm or of mesh size range 80 to 99 mm unless the entire upper half of the front part of such a net consists of a panel of netting material attached directly to the headline of the net, extending towards the rear of the net for at least 30 meshes and constructed of diamond-meshed netting material of which no individual mesh is of mesh size less than 180 mm; • any demersal towed net other than beam trawls of mesh size range 80 to 99 mm unless a square-meshed panel of mesh size of at least 80 mm is included in such a net; • any demersal towed net to which a cod-end of mesh size less than 100 mm is attached by any means other than being sewn to the lengthening piece; • any separator trawl except when no other type of fishing gear is retained on board and when such nets are of mesh size ranges either 70 to 79 mm or 80 to 99 mm, are of only one permitted mesh size range, incorporate within the net in any par any mesh size greater than 300 mm and are deployed only in the following area ⁽⁵⁸⁴⁾: (see Figure 14, area No 1) <ul style="list-style-type: none"> — 53° 30' N, 05° 30' W — 53° 30' N, 05° 20' W — 54° 20' N, 04° 50' W — 54° 30' N, 05° 10' W — 54° 30' N, 05° 20' W — 54° 00' N, 05° 50' W — 54° 00' N, 06° 10' W — 53° 45' N, 06° 10' W — 53° 45' N, 05° 30' W — 53° 30' N, 05° 30' W. <p>Separator trawls may also be used within the following area provided that no other type of fishing gear is retained on board and that such nets are constructed in accordance with specific technical details ⁽⁵⁸⁵⁾: (see Figure 14, area No 2)</p> <ul style="list-style-type: none"> — 53° 45' N, 06° 00' W — 53° 45' N, 05° 30' W — 53° 30' N, 05° 30' W — 53° 30' N, 06° 00' W — 53° 45' N, 06° 00' W |

⁽⁵⁸²⁾ Council Regulation (EC) No 254/2002.

⁽⁵⁸³⁾ Article 2 of Council Regulation (EC) No 2549/2000.

⁽⁵⁸⁴⁾ Article 2(2)(a) of Council Regulation (EC) No 254/2002.

⁽⁵⁸⁵⁾ See Figure 15 (taken from the Annex to Council Regulation (EC) No 254/2002).

| Area | Extra technical conditions |
|---|---|
| ICES Subareas IV and VI and ICES Divisions IIa and Vb, but excluding that part of ICES Sub-area VI enclosed by straight lines sequentially joining the following geographical coordinates: (see Figure 112, area No 3) 56° 00' N, 07° 30' W 56° 00' N, 04° 00' W 55° 00' N, 04° 00' W 55° 00' N, 07° 30' W 56° 00' N, 07° 30' W | <p>It shall be prohibited to retain on board or deploy any demersal towed net or nets of mesh size range 100 to 119 mm unless ⁽⁵⁸⁶⁾:</p> <ul style="list-style-type: none"> • each such net is equipped with a square-meshed panel of at least 90 mm mesh size; or • each such net is lashed and stowed. <p>It is prohibited to deploy any demersal towed net that incorporates ⁽⁵⁸⁷⁾:</p> <ul style="list-style-type: none"> • any individual quadrilateral mesh of which the bars of the mesh are not of approximately equal length; • a cod-end and any extension piece, whose joint stretched length exceeds 36 m in nets of mesh size equal to or greater than 70 mm; • a cod-end and any extension piece constructed of more than one sheet of netting material such that the linear dimensions of the top half or top sheet of said cod-end and extension piece are not equal to the linear dimensions of the bottom half or bottom sheet; • a cod-end or extension piece or square-meshed panel each of which is not constructed exclusively of only one type of netting material; • a cod-end attached by any means other than being sewn into that part of the net in front of the cod-end; • a cod-end and/or extension piece of mesh size equal to or greater than 55 mm which is not constructed of single twine netting material of which no twine is of thickness greater than 8 mm or of double-twine netting material of which no twine is of thickness greater than 5 mm. <p>With the exception of beam trawls, it is prohibited to deploy any demersal towed net ⁽⁵⁸⁸⁾:</p> <ul style="list-style-type: none"> • of mesh size range 70 to 89 mm having more than 120 meshes in any circumference of the cod-end excluding the joinings and selvages; • of mesh size greater than 90 mm having more than 100 meshes in any circumference of the cod-end excluding the joinings and selvages; • of mesh size range 70 to 99 mm unless the upper half of such a net consists of a panel of netting material attached directly to the headline of the net or to no more than three rows of netting material of any mesh size attached directly to the headline, extending towards the posterior of the net for at least 15 meshes and constructed of diamond-meshed netting material of which no individual mesh is of mesh size less than 140 mm; • of mesh size range 70 to 99 mm unless a square-meshed panel of mesh size at least 80 mm is included in such a net. <p>The conditions laid down in the last two bullet points shall not apply whenever the catch retained on board and taken with a net or nets of mesh size range 80 to 99 mm consist of:</p> <ul style="list-style-type: none"> • at least 85 % of queen scallops; or • at least 40 % of sole and no more than 5 % of cod. <p>It is prohibited to carry on board or deploy any beam trawl of mesh size equal to or greater than 80 mm unless the entire upper half of the front part of such a net consists of a panel of netting material of which no individual mesh is of mesh size less than 180 mm ⁽⁵⁸⁹⁾. This panel must be attached:</p> <ul style="list-style-type: none"> • directly to the headline; or • to no more than three rows of netting material of any mesh size attached directly to the headline. <p>The panel of netting shall extend towards the posterior of the net for at least the number of meshes determined by:</p> <ul style="list-style-type: none"> • dividing the length in metres of the beam of the net by 12; • multiplying the result obtained by 5 400; • dividing this result (rounded down to the nearest whole number) by the mesh size in millimetres of the smallest mesh in the panel. |

⁽⁵⁸⁶⁾ Article 4(5) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁸⁷⁾ Article 5(1) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁸⁸⁾ Article 5(2) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁸⁹⁾ Article 5(3) of Commission Regulation (EC) No 2056/2001.

Module 5

Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation

Section 5.1

Check conformity with conservation measures adopted for specific regions/stocks

| Area | Extra technical conditions |
|----------------------------------|--|
| | <p>It is prohibited to use any beam trawl of mesh size range 32 to 119 mm within the following geographical areas ⁽⁵⁹⁰⁾:</p> <p>(see Figure 14, area No 4)</p> <ul style="list-style-type: none"> ICES Division IIa; that part of ICES Subarea IV to the north of 56° 00' N; ICES Division Vb; ICES Subarea VI to the north of 56° 00' N. <p>However, provided that the catches taken within the area below and retained on board consist of no more than 5 % cod, it is permitted to use any beam trawl of mesh size range 100 to 119 mm within the area enclosed by the east coast of the UK between 55° 00' N and 56° 00' N and by straight lines sequentially joining the following geographical coordinates ⁽⁵⁹¹⁾:</p> <p>(see Figure 14, area No 5)</p> <ul style="list-style-type: none"> a point on the east coast of the UK at 55° 00' N; 55° 00' N, 05° 00' E; 56° 00' N, 05° 00' E; a point on the west coast of Denmark at 56° 00' N. <p>Where marine organisms of a species subject to the landing obligation are caught in excess of permitted percentages ⁽⁵⁹²⁾ as specified, these unintended catches shall be landed and counted against quota ⁽⁵⁹³⁾.</p> |
| ICES Subarea IV and Division IIa | <p>It is prohibited to simultaneously carry on board beam trawls of more than two of the mesh size ranges 32 to 99 mm, 100 to 119 mm and equal to or greater than 120 mm ⁽⁵⁹⁴⁾.</p> <p>It is prohibited to deploy any demersal towed net of mesh size range 70 to 79 mm ⁽⁵⁹⁵⁾.</p> |

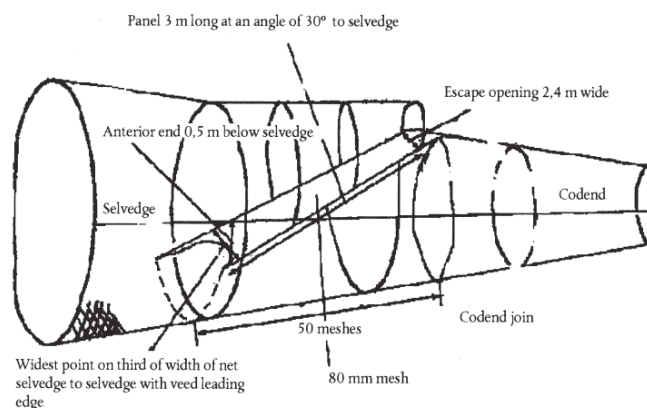


Figure 113 — Technical schematic of a separator trawl ⁽⁵⁹⁶⁾

⁽⁵⁹⁰⁾ Article 6(1) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁹¹⁾ Article 6(2) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁹²⁾ Articles 4(1) to (6), 5(2) and 6(2) and Articles 7 and 8 of Commission Regulation (EC) No 2056/2001.

⁽⁵⁹³⁾ Article 15 of Regulation (EU) No 1380/2013.

⁽⁵⁹⁴⁾ Article 6(3) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁹⁵⁾ Article 8(1) of Commission Regulation (EC) No 2056/2001.

⁽⁵⁹⁶⁾ Annex to Council Regulation (EC) No 254/2002.

Recovery plan for northern hake

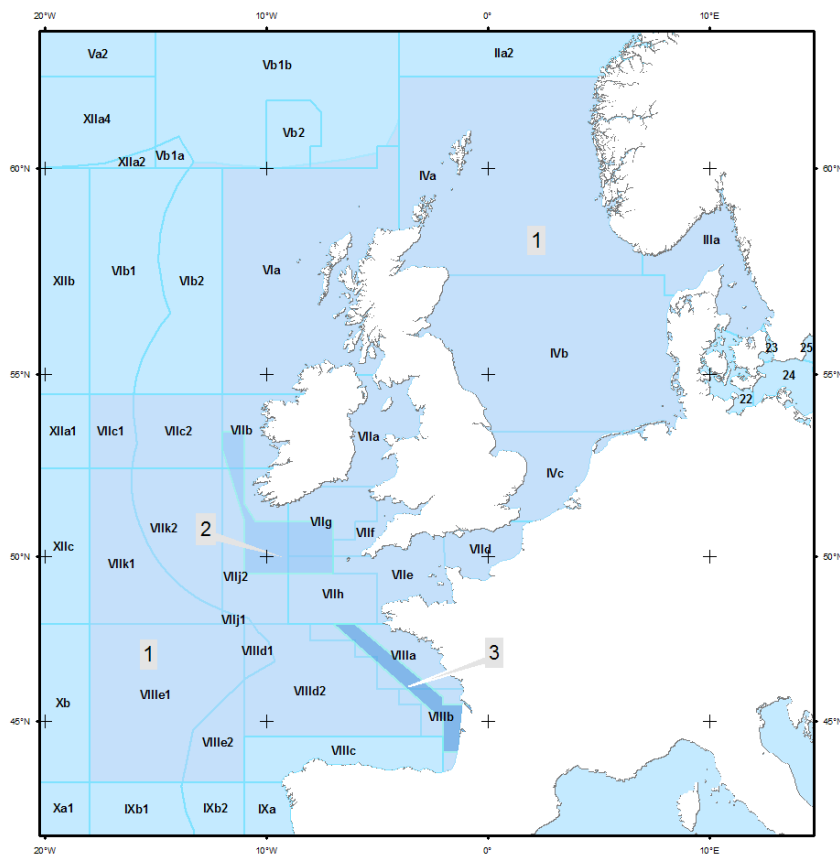


Figure 114 — Areas subject to extra technical requirements for northern hake

Table 29 — Extra technical requirements for northern hake ⁽⁵⁹⁷⁾

| Area | Extra technical conditions |
|---|---|
| ICES Subareas V and VI ICES Divisions VII b, c, f, g, h, j, k ICES Divisions VIII a, b, d, e (see Figure 114, area No 1) | <p>It shall be prohibited to use, except in ICES Subareas V and VI:</p> <ul style="list-style-type: none"> • any cod-end and/or extension piece of any towed nets except beam trawls of mesh size greater than 55 mm which is not constructed of single-twine netting material of which no twine is of thickness greater than 6 mm or of double-twine netting material of which no twine is of thickness greater than 4 mm; • any demersal towed net other than beam trawl incorporating a cod-end of mesh size range 70 to 89 mm having more than 120 meshes in any circumference of the cod-end excluding the joinings and selvages; • any demersal towed net that includes any individual quadrilateral mesh of which the bars of the mesh are not of approximately equal length; • any demersal towed net to which a cod-end of mesh size less than 100 mm is attached by any means other than being sewn into the net. <p>It shall be prohibited to carry on board or deploy any beam trawl of mesh size equal to or greater than 70 mm unless the entire upper half of the front part of such a net consists of a panel of netting material of which no individual mesh is of mesh size less than 180 mm ⁽⁵⁹⁸⁾.</p> <p>This panel must be attached:</p> <ul style="list-style-type: none"> • directly to the headline; or • to no more than three rows of netting material of any mesh size attached directly to the headline. <p>The panel of netting shall extend towards the posterior of the net for at least the number of meshes determined by:</p> <ul style="list-style-type: none"> • dividing the length in metres of the beam of the net by 12; • multiplying the result obtained by 5 400; • dividing this result (rounded down to the nearest whole number) by the mesh size in millimetres of the smallest mesh in the panel. |

(⁵⁹⁷) Article 3 of Commission Regulation (EC) No 494/2002.

(⁵⁹⁸) Article 4 of Commission Regulation (EC) No 494/2002.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

| Area | Extra technical conditions |
|--|---|
| <p>The area enclosed by straight lines sequentially joining the following geographical coordinates and excluding any part of that area situated within the limit of 12 nautical miles calculated from the baselines of Ireland: (see Figure 114, area No 2)</p> <p>53° 30' N, 11° 00' W 53° 30' N, 12° 00' W 53° 00' N, 12° 00' W 51° 00' N, 11° 00' W 49° 30' N, 11° 00' W 49° 30' N, 07° 00' W 51° 00' N, 07° 00' W 51° 00' N, 10° 30' W 51° 30' N, 11° 00' W 53° 30' N, 11° 00' W</p> | <p>It is prohibited to immerse, partially or wholly, or otherwise deploy for any purpose any towed net of mesh size range 55 to 99 mm. All such towed nets shall be lashed and stowed.</p> <p>It is prohibited to immerse, partially or wholly, or otherwise deploy for any purpose any fixed gear of mesh size less than 120 mm. All such fixed gear shall be lashed and stowed ⁽⁵⁹⁹⁾.</p> <p>Beam trawls of mesh size range 55 to 99 mm may be deployed or immersed partially or wholly only in that part of the area to the east of 07° 30' W and only in the period April to October ⁽⁶⁰⁰⁾.</p> |
| <p>The area enclosed by straight lines sequentially joining the following geographical coordinates and excluding any part of that area situated within the limit of 12 nautical miles calculated from the baselines of France: (see Figure 114, area No 3)</p> <p>48° 00' N, 06° 00' W 48° 00' N, 07° 00' W 45° 00' N, 02° 00' W 44° 00' N, 02° 00' W a point on the coast of France at 44° 00' N a point on the coast of France at 45° 30' N 45° 30' N, 02° 00' W 45° 45' N, 02° 00' W 48° 00' N, 06° 00' W</p> | <p>It is prohibited to immerse, partially or wholly, or otherwise deploy for any purpose any towed net of mesh size range 55 to 99 mm. All such towed nets shall be lashed and stowed.</p> <p>It is prohibited to immerse, partially or wholly, or otherwise deploy for any purpose any fixed gear of mesh size less than 100 mm. All such fixed gear shall be lashed and stowed ⁽⁶⁰¹⁾.</p> <p>Beam trawls of mesh size range 55 to 99 mm may be deployed or immersed partially or wholly only in that part of the area to the south of 46° 00' N and only in the period June to September ⁽⁶⁰²⁾.</p> |

Multiannual plan for sole in the western Channel

There are no additional technical requirements for sole in ICES Division VIIe.

Multiannual plan for plaice and sole in the North Sea

There are no additional technical requirements for plaice and sole in the North Sea.

Multiannual plan for herring in the west of Scotland

There are no additional technical requirements for herring in the west of Scotland.

⁽⁵⁹⁹⁾ Article 5(1)(a) and Article 5(2) of Commission Regulation (EC) No 494/2002.

⁽⁶⁰⁰⁾ Article 6(1) of Commission Regulation (EC) No 494/2002.

⁽⁶⁰¹⁾ Article 5(1)(b) and Article 5(2) of Commission Regulation (EC) No 494/2002.

⁽⁶⁰²⁾ Article 6(2) of Commission Regulation (EC) No 494/2002.

Celtic Sea

Table 30 — Extra technical requirements for the Celtic Sea ⁽⁶⁰³⁾

| Area | Extra technical conditions |
|--|--|
| ICES Divisions VIIIf, VIIg and the part of VIIj that lies north of latitude 50° N and east of 11° W (Celtic Sea) | <p>When fishing in this area, the following definitions shall apply.</p> <ul style="list-style-type: none"> • A TR1 vessel is a vessel using a bottom trawl or seine net with a mesh size of equal to or greater than 100 mm. • A TR2 vessel is a vessel using a bottom trawl or seine net with a mesh size of equal to or greater 70 mm and less than 100 mm. • A low-powered vessel is one vessel using a bottom trawl or seine net with an engine power of less than 11 kW. <p>The above definitions shall not apply to vessels using beam trawls.</p> <p>When fishing in the area, the following conditions shall apply ⁽⁶⁰⁴⁾.</p> <ul style="list-style-type: none"> • 1. By way of derogation from point (a) of Article 7(1) of Regulation (EC) No 850/98, fishing vessels using a cod-end mesh size of between 70 and 119 mm shall use a square-meshed panel of a mesh size of at least 120 millimetres • 2. By way of derogation from point (a) of Article 7(2) of Regulation (EC) No 850/98, the square-meshed panel as referred to in paragraph 1 shall be placed into the top panel of the codend. The rearmost edge of the square-meshed panel, which is the part closest to the codline, shall be no more than 9 metres from the codline. • 3. By way of derogation from paragraph 2, the square-meshed panel may be placed farther from the cod-end if a different combination of gear and device is assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) as having the same or higher selectivity characteristics for cod, haddock and whiting. • 4. By way of derogation from paragraph 1, fishing vessels using a cod-end mesh size of between 70 and 119 mm may use, instead of a square-meshed panel of a mesh size of at least 120 millimetres, a gear or device assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF) as having the same or higher selectivity characteristics for cod, haddock and whiting. • 5. By way of derogation from paragraph 1, vessels using a cod-end mesh size of between 70 and 119 mm whose catch in any fishing trip in the area east of 8° West of the Celtic Sea comprises at least 55 % whiting may use a square-meshed panel of a mesh size of at least 100 millimetres if they deploy bottom trawls or seines of a single mesh size equal to or larger than 100 millimetres. • 6. Fishing vessels making use of the derogations referred to in paragraphs 3, 4 and 5 must have been issued with a specific fishing authorisation by their flag Member State prior to going to sea. The flag Member State shall examine any submission for such authorisation in accordance with Article 7 of Council Regulation (EC) No 1224/2009 and with Articles 4 and 5 of Commission Implementing Regulation (EU) No 404/2011 |

Region 3

Recovery of southern hake and Norway lobster in the Cantabrian Sea and western Iberian peninsula

See Chapter 4.2.6.

Multiannual plan for sole in the Bay of Biscay

There are no additional technical requirements for sole in the Bay of Biscay.

Eastern Atlantic and Mediterranean Sea**Multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean****Table 31** — Extra technical requirements for bluefin tuna in the eastern Atlantic and Mediterranean

| Area | Extra technical conditions |
|--|--|
| Eastern Atlantic Ocean and Mediterranean Sea | <p>Fishing for bluefin tuna shall be permitted during the periods ⁽⁶⁰⁵⁾:</p> <ul style="list-style-type: none"> • 1 January to 31 May, by pelagic longlines with vessels with a length overall of more than 24 m, with the exception of the area delimited by west of 10° W and north of 42° N and the Norwegian EEZ, where such fishing shall be permitted from 1 August to 31 January. • 26 May to 24 June, 25 June to 31 October in Norwegian EEZ, by purse seine; • 1 July to 31 October within a 4 month fishing season, by bait boats and trolling boats; • 16 June to 14 October, by pelagic trawl (eastern Atlantic only); • 16 June to 14 October, by recreational and sport fishing vessels. |

⁽⁶⁰³⁾ Commission Implementing Regulation (EU) No 737/2012.

⁽⁶⁰⁴⁾ Article 2 of Commission Implementing Regulation (EU) No 737/2012.

⁽⁶⁰⁵⁾ Articles 11 and 12 of Regulation (EU) No 2016/1627.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |

ANNEX 1

| Fishing gear description ⁽⁶⁰⁶⁾ | Code |
|--|-------------|
| Trawl nets | |
| Bottom otter trawl | OTB |
| Nephrop trawl | TBN |
| Shrimp trawl | TBS |
| Bottom trawl (not specified) | TB |
| Beam trawl | TBB |
| Otter twin trawl | OTT |
| Bottom pair trawl | PTB |
| Mid-water otter trawl | OTM |
| Mid-water pair trawl | PTM |
| Seines | |
| Danish anchor seine | SDN |
| Scottish seine (fly dragging) | SSC |
| Scottish pair seine (fly dragging) | SPR |
| Seine nets (not specified) | SX |
| Boat or vessel seine | SV |
| Surrounding nets | |
| Surrounding net with purse line (purse seine) | PS |
| One boat operated purse seine | PS1 |
| Two boat operated purse seine | PS2 |
| Surrounding net without purse line (lampara) | LA |
| Dredges | |
| Boat dredges | DRB |
| Gillnets and entangling nets | |
| Gillnets (not specified) | GN |
| Gillnets anchored (set) | GNS |
| Gillnets (drift) | GND |
| Gillnets (circling) | GNC |
| Combined gillnets — trammel nets | GTN |
| Trammel nets | GTR |
| Traps | |
| Pots | FPO |
| Traps (not specified) | FIX |
| Hooks and lines | |
| Hand lines and pole lines (hand operated) | LHP |
| Hand lines and pole lines (mechanised) | LHM |
| Set longlines | LLS |
| Drifting longlines | LLD |
| Longlines (not specified) | LL |
| Trolling lines | LTL |
| Hooks and lines (not specified) | LX |
| Harvesting machines | |
| Mechanised dredges | HMD |
| Miscellaneous gear | MIS |
| Recreational gear | RG |
| Gear not known or not specified | NK |

⁽⁶⁰⁶⁾ Annex IX to Commission Implementing Regulation (EU) No 404/2011.

APPENDIX 1. Bibliography

- None.

APPENDIX 2. Links and references

- None.

APPENDIX 3. Legislation

- Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets.
- Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Commission Regulation (EC) No 2056/2001 of 19 October 2001 establishing additional technical measures for the recovery of the stocks of cod in the North Sea and to the west of Scotland.
- Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES Subareas III, IV, V, VI and VII and ICES Divisions VIII a, b, d, e.
- Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98.
- Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
- Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.
- Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94.
- Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets.
- 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/20.
- Commission Regulation (EU) No 686/2010 of 28 July 2010 amending Council Regulation (EC) No 2187/2005 as regards specifications of Bacoma window and T90 trawl in fisheries carried out in the Baltic Sea, the Parliament and of The Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

| | |
|---|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.1 | Check conformity with conservation measures adopted for specific regions/stocks |
| <ul style="list-style-type: none"> • Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy. • Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea. • Commission Implementing Regulation (EU) No 737/2012 of 14 August 2012 on the protection of certain stocks in the Celtic Sea. • Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98. • Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007. • Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009. • United Nations Convention on the Law of the Sea. | |

Section 5.2 Check conformity with the landing obligation and discard plans

Coverage: All EU areas and all EU vessels

Objective

This section aims to give the trainee an understanding of relevant conservation measures ⁽⁶⁰⁷⁾ adopted for the purpose of achieving the objectives of the CFP ⁽⁶⁰⁸⁾, in particular the landing obligation and discard plans.

Overview

Conservation measures are adopted by the Union ⁽⁶⁰⁹⁾ for the purpose of achieving the objectives of the CFP in respect of the conservation and sustainable exploitation of marine biological resources. Such measures include the landing obligation and discard plans.

The objective of these measures is to reduce unwanted catches and gradually eliminate discards. Unwanted catches and discards are wasteful and have a negative effect on the sustainable exploitation of marine biological resources and the marine ecosystem, and adversely affect the financial viability of fisheries.

The rules of the CFP include a phased approach to implement the obligation to land all catches of stocks subject to catch limits (and minimum sizes in the Mediterranean) taken during fishing activities in Union waters or by Union fishing vessels.

It is therefore important that inspectors be aware of the control provisions associated with the landing obligation and the possible exemptions in the associated discard plans.

Entry requirements

The trainee should have a good working understanding of the CFP and be familiar with the general concepts of control, inspection and enforcement.

⁽⁶⁰⁷⁾ Articles 6 to 20 of Regulation (EU) No 1380/2013.

⁽⁶⁰⁸⁾ Article 2 of Regulation (EU) No 1380/2013.

⁽⁶⁰⁹⁾ Article 6(1) of Regulation (EU) No 1380/2013.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

Chapter 5.2.1 — Verify compliance with the landing obligation

Part A. Introduction

Before the latest reform of the CFP, the general approach to discards was to prohibit the landing of catch that did not match certain prescribed catch compositions, legal minimum landing sizes (MLS) or TACs. Catch that could not legally be landed therefore had to be discarded.

The reformed CFP represents a fundamental shift in fisheries management by switching the focus from the regulation of landings to the regulation of total catches. In the fisheries under the landing obligation, all catches of all species (regardless of whether they are pelagic or demersal) that are subject to catch limits, and in the Mediterranean catches subject to minimum sizes, must be landed.

Part B. Concepts and definitions

(a) **Catch limits**

'Catch limits' ⁽⁶¹⁰⁾ refers to a quantitative limit on catches of a fish stock (or a group of fish stocks) over a given period where such fish stocks (or group of fish stocks) are subject to an obligation to land.

(b) **Landing obligation**

'Landing obligation' refers to the obligation to land all catches of species that are subject to catch limits and, in the Mediterranean Sea, to catches of species that are subject to minimum sizes. Quantities of species subject to the landing obligation below the applicable MCRS retained on board shall be stowed separately in fish rooms ⁽⁶¹¹⁾ and are excluded for sale for direct human consumption ⁽⁶¹²⁾.

Part C. Data and information sources

ERS.

Paper logbooks.

Prior notification messages (if the master has transmitted the message before the time the inspection takes place at sea)

Part D. Methodology

NB: The CFP basic regulation lays down the general rules for the species subject to the landing obligation in the different areas concerned. The implementation of the landing obligation is further detailed in the different discard plans adopted through delegated acts. These plans specify the different fisheries and species subject to the landing obligation established for a period of 3 years. Detailed explanations are provided in Chapter 5.2.2 — Verify compliance with discard plans.

It is good practice for inspectors to carefully observe the activity and characteristics of the fishing vessel prior to the inspection as this provides valuable information regarding the likely target species and stowage methods employed on that individual vessel.

Implementation — scope ⁽⁶¹³⁾

For the inspector, it is important to identify the species subject to the landing obligation as it is implemented on a fishery basis, according to a phased approach as follows.

⁽⁶¹⁰⁾ Point 15 of Article 4 of Regulation (EU) No 1380/2013.

⁽⁶¹¹⁾ Article 49a of Council Regulation (EC) No 1224/2009.

⁽⁶¹²⁾ Article 15(11) of Regulation (EU) No 1380/2013.

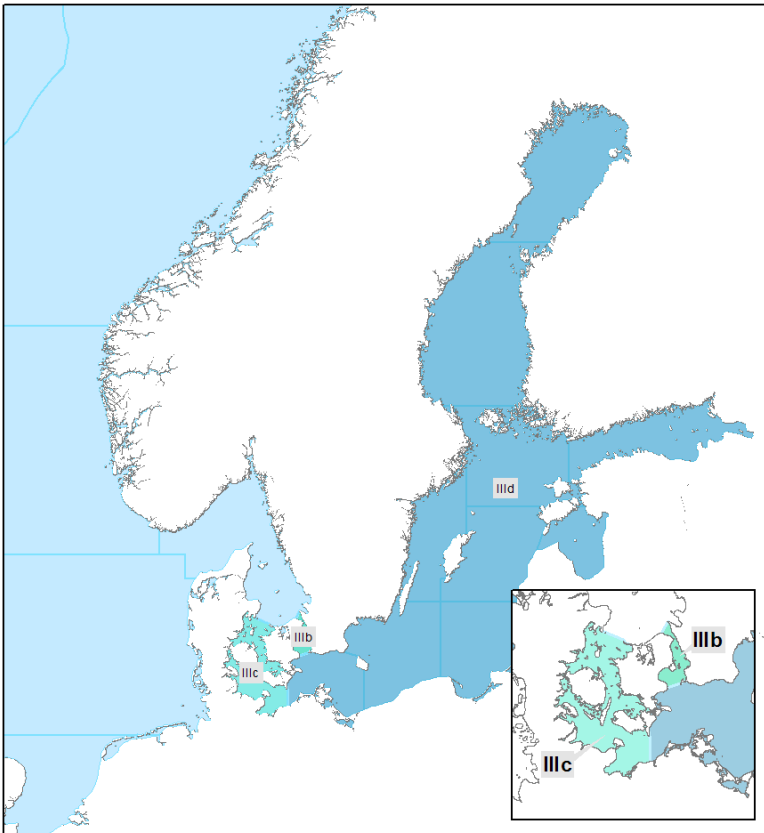
⁽⁶¹³⁾ Article 15 of Regulation (EU) No 1380/2013.

All regions

- Small pelagic fisheries (i.e. mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat).
- Large pelagic fisheries (i.e. fisheries for bluefin tuna, swordfish, albacore tuna, bigeye tuna, blue and white marlin).
- Fisheries for industrial purposes (i.e. capelin, sand eel and Norway pout).
- From 1 January 2019 for all species in all other Union waters, and in non-Union waters not subject to third countries' sovereignty or jurisdiction.

Baltic Sea

- All species subject to catch limits.

**Figure 115** — *Baltic Sea areas***Region 2****North Sea**

- Fisheries for cod, haddock, whiting, saithe, Norway lobster, common sole, plaice, hake and northern prawn.

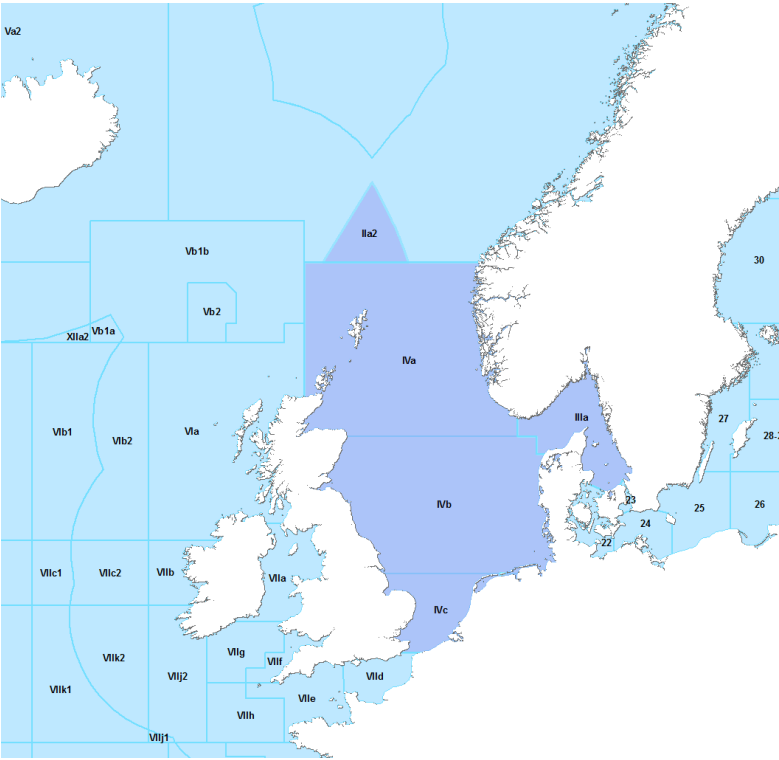


Figure 116 — *North Sea areas*

North-western waters

- Fisheries for cod, haddock, whiting, saithe, Norway lobster, common sole, plaice and hake.

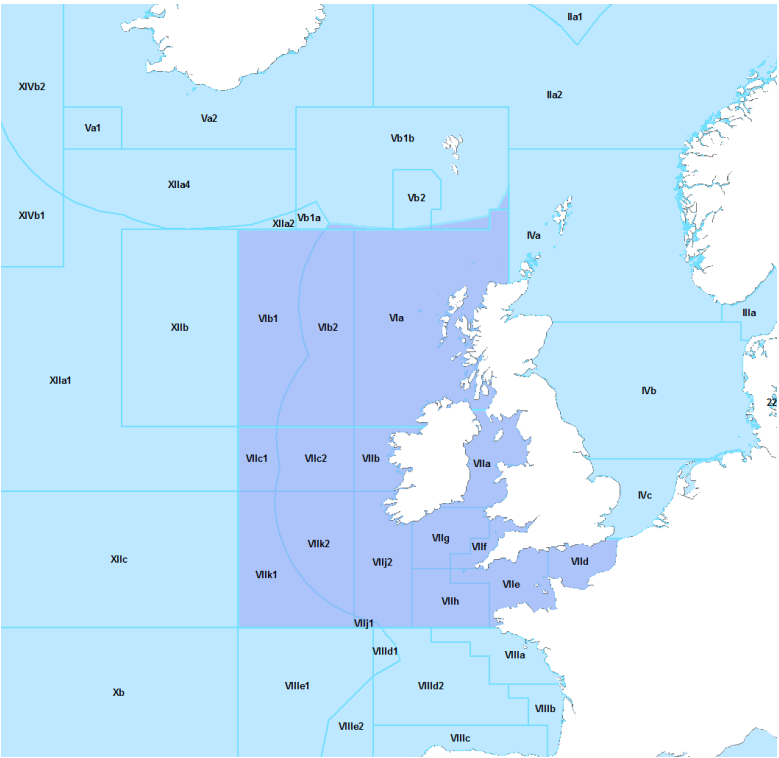


Figure 117 — *North-western waters areas*

Region 3

South-western waters

- For all fisheries for species subject to catch limits, pending discard plans, fisheries for Norway lobster, common sole, plaice and hake.

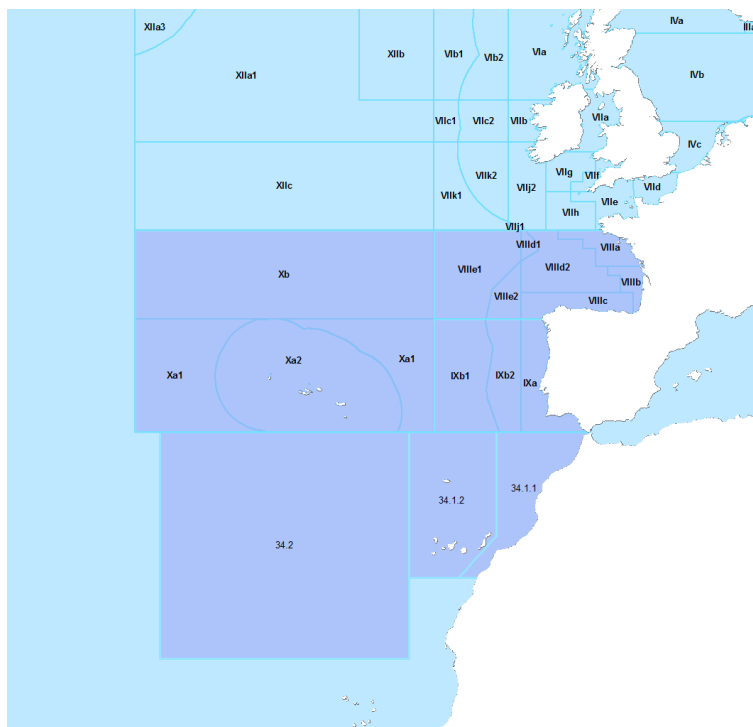


Figure 118 — *South-western waters areas*

Mediterranean Sea

- Species that define the fisheries.

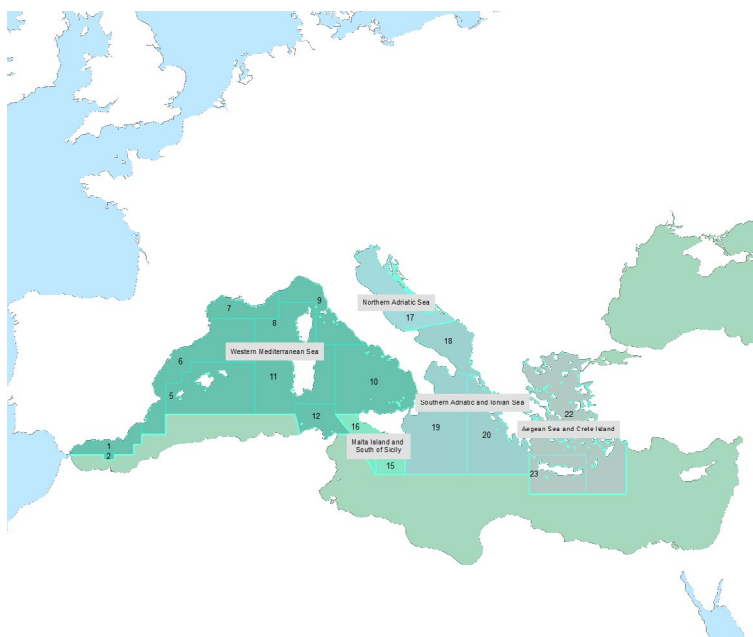


Figure 119 — *Mediterranean Sea areas*

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

(a) **Verification of declarations**

If the master has transmitted the prior notification message before the time the inspection takes place at sea, the inspector should take note of information contained in this message regarding the quantities of species subject to the landing obligation on board and to be landed.

The inspector should verify that the quantities of species subject to the landing obligation retained on board agree with the quantities recorded in the logbook.

The inspector should verify that quantities of species subject to the landing obligation that are discarded under a *de minimis* exemption are recorded in the logbook ⁽⁶¹⁴⁾.

The inspector should verify that quantities of species subject to the landing obligation retained on board and that are below the applicable MCRS are, where appropriate, stowed separately in the fish room.

(b) **Monitoring and control**

The CFP basic regulation envisages that specific monitoring and control measures are taken to help ensure compliance with the landing obligation, for example observers, closed-circuit television (CCTV) and other tools, such as the last-haul monitoring.

Control observers ⁽⁶¹⁵⁾

Inspectors may use information provided by observer programmes that place observers on a defined percentage of fishing trips conducted by fishing vessels. Observers are able to closely monitor fishing activities, including the accurate identification of catches that are brought on board and wider fishing practices.

Catch composition comparison based on a reference fleet

An approach to supplement monitoring and control efforts is to use catch composition comparisons based on catches made by a specifically established reference fleet. The detailed findings of reference vessels involved in at-sea monitoring (in the form of either on-board observers or remote electronic monitoring (REM) and land-based sampling) can be used to validate the self-documentation of catches and discards (using logbooks) of another vessel (in the same fleet segment). Where appropriate, and beneficial, at-sea observations from a reference fleet may also be used to collect relevant scientific evidence relating to fisheries assessment, gear selectivity and species survivability. The data from such fleets can contribute significantly to research, management and control efforts.

Remote electronic monitoring

REM is increasingly being developed as a component of a fully documented fisheries (FDF) programme. FDF entails detailed recording of activities by the master, together with e-monitoring, and supported when needed by complementary monitoring and control approaches, including VMS, on-board observers and inspection patrols.

⁽⁶¹⁴⁾ Article 15(5)(c) of Regulation (EU) No 1380/2013.

⁽⁶¹⁵⁾ Article 73 of Regulation (EC) No 1224/2009.

The e-monitoring system entails the recording of fishing vessel activities through a system of sensors on fishing machinery and CCTV cameras that record footage of fish catching and processing. The data and imagery are then reviewed onshore by compliance analysts. The monitoring systems are able to record the entire fishing trip, almost every fishing operation, catches and catch handling procedures, species, fish size and retention of all catch on board. In retrospect, the whole fishing trip can be recreated through CCTV footage, GPS and sensor data and may be audited at any time by inspectors.

Last-haul monitoring

Inspectors should be aware that a sensible way to proceed with regard to the landing obligation is to take an observed haul while inspecting at sea. This is where the inspector observes the haul and notes all the fish caught, with the following recommended criteria.

- Fish to be discarded and below MCRS (BMS) should be kept separate for estimation by inspectors.
- Estimates in kg for all species should be noted down.
- A procedure to take a sufficiently large sample to enable an accurate estimation of the observed haul should be followed.
- Any additional information that is relevant to the estimation may be provided as remarks on the data collection form.
- Data collection — a specific data-recording form should be available for performing this check in each specific area.
- Where possible, observe the entire fish-sorting procedure.
- If large catches prevent this, take a sufficiently large sample that is representative of the catch composition of the haul.
- Record:
 - quantities of catch retained;
 - quantities of catch discarded (specifying *de minimis* and other types of exemptions);
 - quantities of fish BMS.

Once these data have been gathered it is recommended that they be centralised and that they can be used for comparison/risk assessment purposes. The EFCA is currently running a project where these data are gathered and used in such a manner through the JDP process.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

| BALTIC SEA — LAST-HAUL DATA FROM INSPECTION | | |
|--|------------------------|-------------------|
| FISHING VESSEL DATA | | |
| FLAG STATE | DNK | |
| EXTERNAL MARKING | O39 | |
| INSPECTION DATA | | |
| DATE | 01022016 | |
| TIME AND DURATION | KL. 08.50 2 TIMER | |
| POSITION (lat./long.) | 55 24 77 N 010 56 53 Ø | |
| ICES AREA and SQUARE (e.g. 3c22 — 39G0) | 39G0 3C | |
| GEAR | | |
| TYPE (e.g. OTB, DNS, LL) | OTB90 | |
| MESH SIZE | 90 | |
| ESCAPE PANEL TYPE (trawl only) | | |
| CATCH COMPOSITION (last observed haul only) | | |
| SPECIES | CATCHES | |
| HER (live weight in kg) | | |
| SPR (live weight in kg) | | |
| | Above MCRS | Below MCRS |
| COD (live weight in kg) | 44 | 0.750 |
| SAL (individuals) | | |
| | Retained | Discarded |
| PLE (live weight in kg) | 40 | 400 |
| TRS (live weight in kg) | | |
| OTH (live weight in kg, specify species) | FLE 100 | FLE 350 |
| | DAB 10 | |
| | SOL 25 | |
| REMARKS (comments about size distribution, reason for discards, etc.) | | |
| | | |

Figure 120 — Example of inspection data on the estimated levels of catch composition and fish discarded to be transmitted daily by the inspecting Member State ⁽⁶¹⁶⁾

⁽⁶¹⁶⁾ Based on the EFCA format as agreed by the Member States.

Chapter 5.2.2 — Verify compliance with discard plans

Part A. Introduction

The exemptions under the landing obligation are subject to conditions which the inspector should be able to verify.

Part B. Concepts and definitions

(a) Discards

'Discards' ⁽⁶¹⁷⁾ means catches that are returned to the sea.

(b) Unintended catches

'Unintended catches' ⁽⁶¹⁸⁾ means incidental catches of marine organisms that must be landed and counted against quotas either because they are below the applicable MCRS or because they exceed the quantities permitted under the catch composition and by-catch rules.

(c) Protected species

'Protected species' ⁽⁶¹⁹⁾ are species that are endangered, vulnerable, rare, endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation. Their deliberate catching, retention on board, transhipment or landing is prohibited except when a derogation has been granted to secure assistance for the recovery of this species and the national authorities are informed. Incidental catches of prohibited species (e.g. basking shark) cannot be retained on board and shall be discarded.

(d) Discard plans

Where no multiannual plan, or no management plan, is adopted for the fishery in question, the Commission shall be empowered to adopt delegated acts agreed by the Member States that have a direct management interest in a particular fishery laying down on a temporary basis and for a period of no more than 3 years a specific 'discard plan' ⁽⁶²⁰⁾ containing the following.

- Specific provisions regarding fisheries or species to avoid creating discards.
- Species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem.
- Provisions for '*de minimis*' exemptions:
 - where scientific evidence indicates that increases in selectivity are very difficult to achieve; or
 - to avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear.

Part C. Data and information sources

ERS.

Logbooks.

⁽⁶¹⁷⁾ Article 4(10) of Regulation (EU) No 1380/2013.

⁽⁶¹⁸⁾ Article 3 of Council Regulation (EC) No 850/98.

⁽⁶¹⁹⁾ Article 1 and Annex IV to Council Directive 92/43/EEC.

⁽⁶²⁰⁾ Article 15(5) of Regulation (EU) No 1380/2013.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

Part D. Methodology

(a) General principles

With discard plans, it is important to establish to which segment of the fleet the plans, and hence the obligations, apply. This is done by checking the annex where the fisheries subject to the provisions of the regulation implementing the landing obligation are defined. In this annex, the fishing area, gear and quota species targeted shall indicate to which segment of the fleet the landing obligation applies. In some cases it may be complicated, for example where phased implementation is occurring or where the landing obligation may not apply to a given gear in a certain area.

Exemptions to the landing obligation may be adopted through EU law (in multiannual plans). In the absence of a multiannual plan, such exemptions may be adopted through discard plans. Such plans may specify additional technical conditions under which species subject to the landing obligation may be discarded.

Species with high survivability

Species that legally are not permitted to be kept on board, but that have a high survival rate when released back into the sea;

Fish that have been damaged by predators

Fish that have been damaged by predators, such as fish-eating marine mammals, predatory fish or birds, can constitute a risk to humans, to pets and to other fish by virtue of pathogens and bacteria that might be transmitted by such predators. Consequently, the landing obligation should not apply to catches of such damaged fish, which should be immediately disposed of at sea.

Catches under the *de minimis* exemption

When it is not possible to enhance the selectivity of species through additional technical measures or to avoid disproportionate costs of handling unwanted catches, like storing, labour or icing, an exemption might be granted in the discard plan up to a certain percentage of the annual catch.

These discards are not counted against quota but must be documented in the logbook.

(b) Discard plans

Baltic Sea

Discard plan for the Baltic Sea ⁽⁶²¹⁾

The landing obligation applies to species subject to catch limits caught in small pelagic fisheries, namely herring and sprat, and in fisheries for industrial purposes in the Baltic Sea. It applies to salmon and cod and plaice.

Inspectors should note that the landing obligation does not apply to catches of cod and salmon caught with trap nets, creel/pots, fyke nets and pound nets, where all cod and salmon may be discarded.

Inspectors should check the MCRS for cod landed.

Inspectors should check that the quantities of cod retained on board below the MCRS fixed by the discard plan are recorded as a separate entry in the logbook ⁽⁶²²⁾ and, for vessels with a length overall of 12 m and above, that they have stowed such quantities separately ⁽⁶²³⁾.

Inspectors should ensure that masters of fishing vessels shall record quantities of cod and salmon discarded in the fishing logbook; in the case of salmon the number of fish discarded shall be recorded ⁽⁶²⁴⁾. Inspectors should check the fishing logbooks for details on discards.

⁽⁶²¹⁾ Commission Delegated Regulation (EU) No 1396/2014.

⁽⁶²²⁾ Article 14(2)(f) of Council Regulation (EC) No 1224/2009.

⁽⁶²³⁾ Article 49a of Council Regulation (EC) No 1224/2009.

The discard plan fixes an MCERS for cod of 35 cm, against the previous size of 38 cm.

Region 2

Discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea ⁽⁶²⁵⁾

The discard plan applies to all vessels engaged in the small pelagic fisheries and the fisheries for industrial purposes from 1 January 2015 for 3 years, in relation to species caught in those fisheries.

Inspectors should note that the landing obligation applies to all vessels engaged in small pelagic fisheries and fisheries for industrial purposes in the North Sea. The pelagic species concerned are certain fisheries for mackerel, herring, horse mackerel, blue whiting, greater silver smelt and sprat, as well as the industrial fisheries for Norway pout, sprat and sand eel.

Inspectors should note that there are survivability exemptions ⁽⁶²⁶⁾ for herring and mackerel in the purse seine fisheries if the following conditions are met.

- The catch is released where the point of retrieval is 80 % of the closure of the net for mackerel fisheries and 90 % for herring fisheries.
- The purse seine must be fitted with visible buoys clearly marking the point of retrieval.
- The catch must be sampled prior to release; the results of the sampling must be recorded in the log book.
- The vessel must have an electronic recording and documenting system ⁽⁶²⁷⁾.

For pelagic trawlers up to 25 m length overall using mid-water trawl (OTM) in the pelagic fishery in ICES Areas IVb and IVc south of 54°N, up to a maximum 2 % for 2016 of the total annual catches of mackerel, horse mackerel, herring and whiting may be discarded. Inspectors should verify that the master has correctly recorded in the fishing logbook the quantities of such species discarded at sea. Whilst such catches will not be counted against quota they must be fully recorded ⁽⁶²⁸⁾.

Discard plan for certain demersal fisheries in the North Sea ⁽⁶²⁹⁾

The discard plan applies to all vessels engaged in the demersal fisheries in the North Sea, the Skagerrak and the Union waters of ICES Division IIa, from 1 January 2017 until 31 December 2018, in relation to species caught in those fisheries.

Inspectors should note that the landing obligation applies to all vessels engaged in demersal fisheries in the North Sea. The demersal species concerned are certain fisheries for saithe, plaice, haddock, northern prawn, common sole and hake.

Inspectors should note that there are survivability exemptions for Norway lobster and common sole, which shall be released immediately for incidental catches:

Norway lobster

- with pots (FPO);
- in ICES Division IIIa with bottom trawls (OTB, TBN) with a mesh size of at least 70 mm equipped with a species selective grid with bar spacing of maximum 35 mm;
- in ICES Division IIIa with bottom trawls (OTB, TBN) with a mesh size of at least 90 mm equipped with a top panel (Seltra panel) of at least 270 mm mesh size (diamond mesh) or at least 140 mm mesh size (square mesh).
- in ICES Division IV with bottom trawls with a mesh of at least 80 equipped with a 4 panel section (netgrid) with an inclined sheet of diamond mesh netting of mesh size of at least 200mm leading to an escape panel in the top of the net.

The MCERS of Norway lobster in ICES Division IIIa shall be as follows: a total length of 105 mm, tail length of 59 mm or a carapace length of 32 mm.

⁽⁶²⁴⁾ Article 14(2)(f) of Regulation (EC) No 1224/2009.

⁽⁶²⁵⁾ Commission Delegated Regulation (EU) No 1395/2014.

⁽⁶²⁶⁾ Article 2 of Commission Delegated Regulation (EU) No 1395/2014.

⁽⁶²⁷⁾ Article 15(5)(c) of Regulation (EU) No 1380/2015.

⁽⁶²⁸⁾ Article 15(5)(c) of Regulation (EU) No 1380/2015.

⁽⁶²⁹⁾ Commission Delegated Regulation (EU) 2016/2250

Common sole

There are also survivability exemptions for common sole below the MCRS in 2017 in certain inshore trawl fisheries in ICES area IVc.

By way of derogation to the landing obligation, the following quantities may be discarded under the *de minimis* exemption.

- (a) For common sole up to 3% of total annual catches by vessels using trammel or gill nets.
- (b) For common sole below the MCRS up to 7% in 2017 and 6% in 2018 of the total annual catch by vessels using certain categories of beam trawl.
- (c) For Norway lobster below the MCRS up to 6% of the total annual catch by vessels using certain categories of bottom trawl.
- (d) In 2017 for common sole and haddock combined below the MCRS up to 2% of the total annual catch of Norway lobster, common sole, haddock and Northern prawn in the fishery for Norway lobster by vessels using certain categories of bottom trawl equipped with a species selective grid in ICES Division IIIa. The percentage increases to 4% in 2018 and includes whiting.
- (e) For common sole haddock and whiting combined below the MCRS up to 1% of the total annual catch of Norway lobster, common sole, haddock whiting and Northern prawn in the fishery for Northern prawn by vessels using certain categories of bottom trawl equipped with a species selective grid in ICES Division IIIa.
- (f) For common sole haddock and whiting combined below the MCRS up to 0.5% of the total annual catch of Norway lobster, common sole, haddock whiting and Northern prawn in the fishery for Northern prawn by vessels using creels (FPO) in ICES Division IIIa.
- (g) In 2018 for whiting up to 7% of the total annual catch of Norway lobster, common sole, haddock whiting saithe and cod and Northern prawn in the mixed fishery for sole, whiting and other species by vessels using certain categories of bottom trawl in ICES Division IIVc.

In the Skagerrak, the use of trawls, Danish seines, beam trawls or similar towed net having a mesh size of less than 120 mm shall be prohibited, except for the following.

- Trawls with at least 90 mm cod end, provided they are equipped with:
 - a panel at least 3 m long positioned no more than 4 m from the cod line and covering the full width of the top sheet of the trawl (i.e. from selvedge to selvedge).
 - a square mesh panel of at least 140 mm;
 - a diamond mesh panel of at least 270 mm placed in a four-panel section and mounted with a joining ration of three meshes of 90 mm to one mesh of 270 mm;
 - a sorting grid with no more than 35 mm bar spacing.

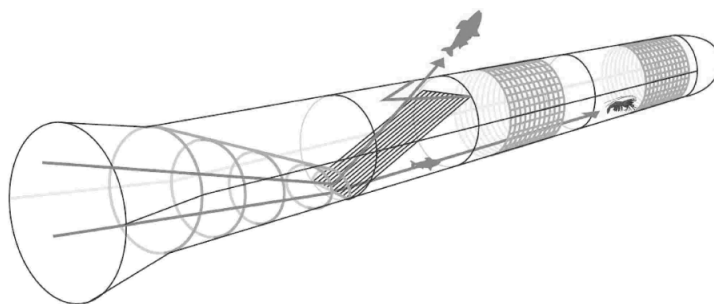


Figure 121 — Sorting grid

- Trawls with at least 70 mm square mesh cod end equipped with a sorting grid with no more than 35 mm bar spacing.
- Trawls with minimum mesh sizes of less than 70 mm when fishing for pelagic or industrial species, provided the catch contains more than 80 % of one or more pelagic or industrial species.

- Trawls with at least 35 mm cod end when fishing for *Pandalus*, provided the trawl is equipped with a sorting grid with a maximum bar spacing of 19 mm.

In the Skagerrak a fish retention device may be used when fishing for *Pandalus*, provided that there are adequate fishing opportunities to cover by-catch and that the retention device is constructed with a top panel of a minimum mesh size of 120 mm square mesh, at least 3 m long and at least as wide as the width of the sorting grid.

Member States shall determine which vessels are subject to the landing obligation for each particular fishery.

Discard plan for certain pelagic fisheries in north-western waters ⁽⁶³⁰⁾

The discard plan applies to all vessels engaged in small pelagic and large pelagic fisheries from 1 January 2015 for 3 years, in relation to species caught in those fisheries.

Inspectors should note that the landing obligation applies to all vessels prosecuting the small and large pelagic fisheries for species subject to catch limits, namely mackerel, herring, horse mackerel, blue whiting, boarfish, greater silver smelt, albacore tuna and sprat in ICES Zones Vb, VI and VII.

There are survivability exemptions for herring and mackerel in the purse seine fisheries in area VI if the following conditions are met.

- The catch is released where the point of retrieval is 80 % of the closure of the net for mackerel fisheries, 90 % for herring fisheries and 80 % for a mixture of both species.
- The purse seine is fitted with visible buoys clearly marking the limit of the point of retrieval.
- The catch is sampled prior to release and the results of the sampling must be recorded in the log book.
- The vessel must also have an electronic recording and documenting system.

Under the *de minimis* exemption, in the blue whiting industrial pelagic trawl fishery in ICES Vb, VI and VII where vessels are processing the catch into surimi paste, inspectors should verify that the master has fully recorded in the fishing logbook the quantities of such species discarded at sea and, where possible, carry out a cross-check against the production log.

Inspectors should endeavour to determine the quantities of blue whiting needed to produce the volume of surimi on board. There is no conversion factor laid down in Union law for this calculation, and it may be necessary to ask the master or the factory manager for the appropriate conversion factor.

Under the *de minimis* exemption in the mid-water pair trawl fisheries for albacore tuna in ICES VII, officials should verify that the master has fully recorded in the fishing logbook the quantities of such species discarded ⁽⁶³¹⁾.

In the pelagic trawl fishery targeting herring, mackerel and horse mackerel, in ICES Area VIId, involving pelagic mid-water trawlers (OTM) up to 25 m length overall, officials should verify that the master has fully recorded in the fishing logbook the quantities of such species, and including whiting, discarded ⁽⁶³²⁾.

In the horse mackerel fishery targeted by freezer trawlers using mid-water trawls in ICES VI and VII and that take a by-catch of boarfish, officials should verify that the master has recorded in the fishing logbook the quantities of such species discarded.

There are additional requirements regarding the recording of catches released under the *de minimis* exemption ⁽⁶³³⁾ and the results of sampling required when catches are slipped in the PS fisheries. The results of sampling and the quantities of fish released shall be recorded in the logbook ⁽⁶³⁴⁾.

⁽⁶³⁰⁾ Commission Delegated Regulation (EU) No 1393/2014.

⁽⁶³¹⁾ Article 15(5)(c) of Regulation (EU) No 1380/2013.

⁽⁶³²⁾ Article 4 of Commission Delegated Regulation (EU) No 1393/2014.

⁽⁶³³⁾ Article 15(5) of Regulation (EU) No 1380/2013.

⁽⁶³⁴⁾ Article 4 of Commission Delegated Regulation (EU) No 1393/2014.

⁽⁶³⁵⁾ Commission Delegated Regulation (EU) No 2016/2375

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

Discard plan for certain demersal fisheries in north-western waters ⁽⁶³⁵⁾

The discard plan applies to all vessels engaged in the demersal fisheries in the north-western waters, from 1 January 2016 for 3 years, in relation to species caught in those fisheries.

Inspectors should note that the landing obligation applies to all vessels engaged in demersal fisheries in the north-western waters. The demersal species concerned are certain fisheries for common sole, cod, haddock, whiting, saithe, Norway lobster and hake.

Inspectors should note that there are survivability exemptions for Norway lobster, which shall be released immediately for incidental catches, caught in pots, traps or creels (gear codes FPO and FIX) in ICES Division VIa and Subarea VII. There are also survivability exemptions for common sole below the MCRS in 2017 in certain inshore trawl fisheries in ICES Division VIId.

By way of derogation to the landing obligation the following may be discarded under the *de minimis* exemption.

- Common sole, by vessels in ICES Divisions VIId, VIle, VIIf and VIIfg using trammel and gill nets to catch common sole and by vessels using gear with increased selectivity (TBB gear with mesh size of 80-199 mm).
- Whiting (*Merlangius merlangus*):
 - by vessels using bottom trawls of less than 100 mm to catch whiting in ICES Divisions VIId and VIle;
 - by vessels using bottom trawls of not less than 100 mm to catch whiting in ICES Divisions VIIf-VIIj;
 - by vessels using bottom trawls of less than 100 mm to catch whiting in ICES Subarea VII, except Divisions VIIa, d and e.
- Norway lobster (*Nephrops norvegicus*), by vessels obliged to land Norway lobster in ICES Subarea VII and ICES Division VIa.

The Member States concerned shall submit to the Commission and other Member States, using the secure Union control website, the lists of vessels determined for each particular fishery.

Region 3

Discard plan for certain pelagic fisheries in south-western waters ⁽⁶³⁶⁾

The discard plan applies to all vessels engaged in small pelagic and large pelagic fisheries in relation to species caught with the gear defined, in those fisheries that are subject to catch limits from 1 January 2015 for 3 years.

The landing obligation applies to all vessels prosecuting the small and large pelagic fisheries for species subject to catch limits, namely mackerel, horse mackerel, sprat, anchovy, albacore tuna, blue whiting and jack mackerel, in ICES Zones VIII, IX and X, CECAF Areas 34.1.1, 34.1.2 and 34.2.0.

However, by way of derogation, certain fisheries are subject to high survivability exemptions. The landing obligation shall not apply to anchovy, horse mackerel, jack mackerel and mackerel in the artisanal purse seine fisheries, and all such catches subject to certain conditions being met.

Also by way of derogation, certain fisheries are subject to exemptions either on scientific advice or under the *de minimis* provisions. Quantities of blue whiting taken in the industrial pelagic fishery in ICES Zone VIII may be discarded where that species is processed into surimi paste. Inspectors should verify that the master has recorded in the fishing logbook the quantities of such species discarded. They should also, where possible, cross-check the quantities of blue whiting discarded against the volume of surimi produced and recorded in the production logbook, where applicable. There are, however, no conversion factors from whole fish to surimi paste laid down in Union fisheries law.

⁽⁶³⁶⁾ Commission Delegated Regulation (EU) No 1394/2014.

ICES Zone VIII albacore tuna fishery using mid-pair trawls: inspectors should verify that the master has recorded in the fishing logbook the quantities of such species discarded.

ICES Zone VIII anchovy, mackerel and horse mackerel fisheries using pelagic mid-water trawls and purse seines in ICES zones VIII and X and CECAF areas 34.1.1, 34.1.2 and 34.2.0): inspectors should verify that the master has recorded in the fishing logbook the quantities of such species discarded.

Changes are made to the MCRS for anchovy and horse mackerel in certain fisheries.

Discard plan for certain demersal fisheries in south-western waters ⁽⁶³⁷⁾

The discard plan applies to all vessels engaged in the demersal fisheries in the south-western waters, from 1 January 2016 for 3 years, in relation to species caught in those fisheries.

Inspectors should note that the landing obligation applies to all vessels engaged in demersal fisheries in the south-western waters. The demersal species concerned are certain fisheries for the following.

- Fisheries in ICES Divisions VIIIa, b, d and e.
 - Common sole:
 - all bottom trawls with mesh size between 70 mm and 100 mm wide;
 - all trammel nets and gill nets with mesh size larger than or equal to 100 mm wide.
 - Hake:
 - all bottom trawls and seines with mesh size larger than or equal to 100 mm wide;
 - all longlines;
 - all gill nets mesh size larger than or equal to 100 mm wide;
 - Norway lobster for all bottom trawls with mesh size larger than or equal to 70 mm.
- Fisheries in ICES Divisions VIIIc and IXa.
 - Norway lobster:
 - all bottom trawls with a mesh size larger than or equal to 70 mm.
 - Hake:
 - all bottom trawl and seine vessels with mesh size larger than or equal to 70 mm;
 - all gill net vessels with mesh size between 80 and 99 mm;
 - all vessels with longlines using hook size larger than 3.85 mm +/- 1.15 mm length and 1.6 +/- 0.4 mm width.
- Fisheries in ICES Division IXa.
 - Common sole and plaice for trammel nets and gill nets with mesh size larger than or equal to 100 mm.

Inspectors should note that there are survivability exemptions for Norway lobster, which shall be released immediately for incidental catches, caught in Subareas VIII and IX by trawls.

By way of derogation to the landing obligation the following species may be discarded under the *de minimis* exemption.

- Common sole, by vessels in ICES Divisions VIIIa and VIIIb:
 - vessels using beam trawls and bottom trawls targeting this species;
 - vessels using trammel nets and gillnets targeting this species.
- Hake in ICES SUBAREAs VIII and IX by vessels using trawls.

The Member States concerned shall submit to the Commission and other Member States, using the secure Union control website, the lists of vessels determined for each particular fishery.

⁽⁶³⁷⁾ Commission Implementing Regulation (EU) No 2016/2374

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

Mediterranean Sea and eastern Atlantic

Discard plan for certain small pelagic fisheries in the Mediterranean Sea ⁽⁶³⁷⁾

Inspectors should note that the landing obligation applies to the fisheries for small pelagic species subject to minimum sizes ⁽⁶³⁸⁾. However by way of derogation certain fisheries are subject to *de minimis* exemptions as follows.

- Western Mediterranean small pelagic mid-water trawl and purse seine fisheries. Inspectors should verify that the master has recorded the quantities of such species subject to minimum sizes and discarded in the fishing logbook.
- Northern Adriatic small pelagic mid-water trawl and purse seine fisheries. Inspectors should verify that the master has recorded the quantities of species subject to minimum sizes discarded in the fishing logbook.
- Southern Adriatic and Ionian Sea small pelagic mid-water trawl and purse seine fisheries. Inspectors should verify that the master has recorded the quantities of species subject to minimum sizes discarded in the fishing logbook.
- Malta and south of Sicily small pelagic mid-water trawl and purse seine fisheries. Inspectors should verify that the master has recorded the quantities of species subject to minimum sizes discarded in the fishing logbook.
- In the Aegean Sea and Crete Island anchovy, sardine, mackerel and horse mackerel in the pelagic purse seine fisheries.

Discard plan for certain demersal fisheries in the Mediterranean Sea ⁽⁶³⁹⁾

Inspectors should note that the landing obligation applies to the fisheries for demersal species subject to minimum sizes.

However there are survivability exemptions for common sole caught with a beam trawl (TBB) and scallops, carpet clams and venus shells caught with mechanised dredges (HMD).

There are also *de minimis* exceptions for hake, red mullet caught with trawls and gill nets in the western Mediterranean Sea, for hake, red mullet and deep-water rose shrimp caught with trawls, beam trawls and gill nets in the Adriatic Sea and for hake, and sole caught with trawls and gill nets in the Adriatic Sea.

Discard plan for bivalve mollusc Venus in Italian territorial waters ⁽⁶⁴⁰⁾

The discard plan introduces a reduced MCRS for Venus spp, of 22 mm in Italian territorial waters in comparison to the standard MCRS of 25 mm. Fish between 22 mm and 25 mm may not be used for direct human consumption.

Region 9, Black Sea

Discard plan for turbot fisheries in the Black Sea ⁽⁶⁴¹⁾

The discard plan introduces a survivability exemption for turbot caught with bottom set gill nets in the Black Sea.

Implementation of the Union's international obligations in respect of the landing obligation ⁽⁶⁴²⁾

The landing obligation applies in respect of catches taken by Union vessels outside Union waters, in waters not subject to third countries' sovereignty or jurisdiction ⁽⁶⁴³⁾.

Certain regional fisheries management organisations' (RFMO) measures call for Union vessels.

⁽⁶³⁷⁾ Commission Delegated Regulation (EU) No 1392/2014.

⁽⁶³⁸⁾ Annex III to Council Regulation (EC) No 1967/2006.

⁽⁶³⁹⁾ Commission Delegated Regulation (EU) 2017/86.

⁽⁶⁴⁰⁾ Commission Delegated Regulation (EU) 2016/2376.

⁽⁶⁴¹⁾ Commission Delegated Regulation (EU) 2017/87.

⁽⁶⁴²⁾ Commission Delegated Regulation (EU) No 2015/98.

⁽⁶⁴³⁾ Article 15(1) of Regulation (EU) No 1380/2013.

APPENDIX 1. Bibliography

- European Parliament study IP/B/PECH/IC/2014_20, 'The landing obligation and its implications on the control of fisheries', September 2015.

APPENDIX 2. Links and references

- Copies of regulations: <http://eur-lex.europa.eu>
- Member States' websites (public and secure).
- International Commission for the Conservation of Atlantic Tuna, ICCAT publications (<https://iccat.int/en/RecsRegs.asp>).

APPENDIX 3. Legislation

- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.
- 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.
- Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea.
- Commission Delegated Regulation (EU) No 1393/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in north-western waters.
- Commission Delegated Regulation (EU) No 1394/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in south-western waters
- Commission Delegated Regulation (EU) No 1395/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.
- Commission Delegated Regulation (EU) No 1396/2014 of 20 October 2014 establishing a discard plan for the Baltic Sea.
- Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 on the implementation of the Union's international obligations as referred to in Article 15(1) of regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

| | |
|--------------------|--|
| Module 5 | Inspect conformity with conservation measures adopted for specific regions/stocks and the landing obligation |
| Section 5.2 | Check conformity with the landing obligation and discard plans |

- Regulation (EU) No 2015/812 of the European Parliament of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament of the Council, as regards the landing obligation and repealing Council Regulation (EC) No 1434/98.
- Commission Delegated Regulation (EU) 2016/2374 of 12 October 2016 establishing a discard plan for certain demersal fisheries in South-Western waters.
- Commission Delegated Regulation (EU) 2016/2375 of 12 October 2016 establishing a discard plan for certain demersal fisheries in North-Western waters.
- Commission Delegated Regulation (EU) 2016/2250 of 4 October 2016 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa.
- Commission Delegated Regulation (EU) 2016/2376 of 13 October 2016 establishing a discard plan for mollusc bivalve *Venus* spp. in the Italian territorial waters.
- Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.
- Commission Delegated Regulation (EU) 2017/87 of 20 October 2016 establishing a discard plan for turbot fisheries in the Black Sea.

General Fisheries Commission for the Mediterranean (GFCM)

- Recommendation GFCM/39/2015/1 establishing further precautionary and emergency measures in 2016 for small pelagic stocks in the Adriatic Sea (GSA 17 and GSA 18).
- Recommendation GFCM/39/2015/2 on the establishment of a set of minimum standards for bottom trawling fisheries of demersal stocks in the Strait of Sicily, pending the development and adoption of a multiannual management plan.
- Recommendation GFCM/39/2015/3 on the establishment of a set of measures to prevent, deter and eliminate illegal, unreported and unregulated fishing in turbot fisheries in the Black Sea.
- Recommendation GFCM/39/2015/4 on management measures for piked dogfish in the Black Sea.

Module 6 Union inspectors, SCIP and JDP requirements

| | | |
|--------------------|--|----|
| Section 6.1 | Union inspectors | 2 |
| | Chapter 6.1.1 — Competencies and powers of Union inspectors | 3 |
| | Chapter 6.1.2 — Duties of Union inspectors | 6 |
| | Appendix 1. Bibliography | 9 |
| | Appendix 2. Links and references | 9 |
| | Appendix 3. Legislation | 9 |
| Section 6.2 | SCIP and JDP requirements | 10 |
| | Chapter 6.2.1 — SCIP requirements | 11 |
| | Chapter 6.2.2 — JDP requirements | 17 |
| | Appendix 1. Bibliography | 24 |
| | Appendix 2. Links and references | 24 |
| | Appendix 3. Legislation | 24 |

| | |
|--------------------|---|
| Module 6 | Union inspectors, SCIP and JDP requirements |
| Section 6.1 | Union inspectors |

Section 6.1 Union inspectors

Coverage: All EU areas and all EU vessels

Objective(s)

This course is intended to give Union inspectors an overview of their role, legal status and obligations prior to carrying out their duties as Union inspectors, with a view to harmonising the way in which inspections are conducted and, by doing so, creating a level playing field.

Overview

The concept of Union inspectors was first introduced to improve cooperation and coordination between all relevant authorities in order to achieve compliance with the rules of the common fisheries policy (CFP). The main criteria required to meet this objective were seen as the facilitation of the exchange of national inspectors and a requirement that Member States treat inspection reports drawn up by Union inspectors, inspectors of another Member State or Commission inspectors as equal to their own inspection reports for the purpose of establishing the facts, and that any such reports should constitute admissible evidence in administrative or judicial proceedings of any Member State. Member States and the EFCA nominate to the Commission their officials meeting the criteria for a Union inspector. The European Fisheries Control Agency (EFCA) maintains a list of all Union inspectors available on its website.

Entry requirements

The trainee should have completed national fisheries training programmes and have sufficient experience as a national inspector to meet the criteria established for a Union inspector ⁽⁶⁴⁴⁾ (see Part D. Methodology).

⁽⁶⁴⁴⁾ Article 119 of Commission Implementing Regulation (EC) No 404/2011.

| | |
|---|--------------------|
| Union inspectors, SCIP and JDP requirements | Module 6 |
| Union inspectors | Section 6.1 |

Chapter 6.1.1 — Competencies and powers of Union inspectors

Part A. Introduction

This chapter focuses on the competencies required for national inspectors to be designated as a Union inspector and the structures required to be put in place in order to allow Union inspectors to perform their duties as envisaged by the regulations.

Part B. Concepts and definitions

(a) **Union inspector**

A Union inspector ⁽⁶⁴⁵⁾ ⁽⁶⁴⁶⁾ is defined as an official of a Member State or of the Commission or the body designated by it who is in possession of the necessary skills and experience to perform fisheries inspections.

(b) **Police and enforcement powers**

Police and enforcement powers vary across Member States but typically may include powers to interview persons involved in an alleged offence, arrest suspected persons, seize evidence and/or order a vessel to proceed to port.

(c) **European Fisheries Control Agency**

The European Fisheries Control Agency (EFCA) ⁽⁶⁴⁷⁾ is an EU body established to organise operational coordination of fisheries control and inspection activities by the Member States and to assist them to cooperate so as to comply with the rules of the CFP in order to ensure its effective and uniform application.

(d) **Joint deployment plans** ⁽⁶⁴⁸⁾

A joint deployment plan (JDP) is a plan for coordinating the joint deployment of national means (inspection vessels, surveillance aircraft, mobile mixed inspection teams, etc.) to monitor and inspect fishing activities that fall under the rules of the CFP. The JDP normally gives effect to a specific control and inspection programme (SCIP) or a national action programme between two or more Member States that sets out the objectives, priorities and benchmarks for control and inspection by Member States and which has been adopted by the Commission for EU waters or a regional fisheries management organisation (RFMO) for international waters.

Part C. Data and information sources

List of Union inspectors: <http://www.efca.europa.eu/content/union-inspectors>

Part D. Methodology

(a) **Qualification requirements for a Union inspector** ⁽⁶⁴⁹⁾

In order to qualify as a Union inspector, an official must:

- have a thorough experience in the field of fisheries control and inspection;
- have an in-depth knowledge of the fisheries legislation of the EU;
- have a thorough knowledge of one of the official languages of the EU and a satisfactory knowledge of a second;
- be physically fit to perform their duties;
- have, where appropriate, received the necessary training to undertake inspections of fishing vessels at sea in a manner that does not endanger themselves or others involved in such operations.

⁽⁶⁴⁵⁾ Council Regulation (EC) No 1224/2009.

⁽⁶⁴⁶⁾ Commission Implementing Regulation No (EU) No 404/2011.

⁽⁶⁴⁷⁾ Article 3 of Council Regulation (EC) No 768/2005.

⁽⁶⁴⁸⁾ Articles 2c and 10 of Council Regulation (EC) No 768/2005.

⁽⁶⁴⁹⁾ Article 119(2) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 6 | Union inspectors, SCIP and JDP requirements |
| Section 6.1 | Union inspectors |

(b) **List of Union inspectors** ⁽⁶⁵⁰⁾

Member States and the EFCA must notify the Commission of the names of the officials they wish to have appointed as Union inspectors. Member States must notify the Commission of any changes to the national lists by October each year and the Commission must ensure the amended list is published by 31 December of that year. The list is published on the official website of the EFCA; and must also be communicated to any RFMO with whom Union inspectors may carry out inspections within the framework of that organisation ⁽⁶⁵¹⁾. Union inspectors must be provided with an identification document issued by the EFCA stating their identity and capacity.

(c) **Powers of Union inspectors**

Union inspectors may be assigned for:

- the implementation of a SCIP, through JDPs coordinated by the EFCA;
- international fisheries control programmes, for example RFMOs where the EU is under an obligation to provide the means of control.

Without prejudice to the primary responsibility of the coastal Member States, Union inspectors may carry out inspections in Union waters and on Union fishing vessels outside Union waters.

For the consistent and effective prosecution of infringements, inspection and surveillance reports drawn up by Commission officials, Union inspectors and officials of Member States are to be used in the same way as national reports ⁽⁶⁵²⁾. At the same time Member States should set up an electronic database providing the inspection and surveillance reports of their officials.

In the case of an infringement, it should be ensured that the appropriate measures are taken by the appropriate competent authority and that the infringement can effectively be followed up irrespective of where it occurs, and in certain cases of serious infringements there should be an enhanced follow-up to enable immediate investigation.

Union inspectors have access without delay to ⁽⁶⁵³⁾:

- all areas on board Union fishing vessels and any other vessels carrying out fishing activities, public premises or places and means of transport;
- all information and documents that are needed to fulfil their tasks, in particular the fishing logbook, landing declarations, catch certificates, the transshipment declaration, sales notes, vessel hold and capacity plans, the engine power certificate and other relevant documents to the same extent and under the same conditions as officials of the Member State in which the inspection takes place.

(d) **Member State obligations** ⁽⁶⁵⁴⁾

Member States should facilitate the execution of duties by Union inspectors and afford them such assistance as they need to fulfil their tasks. Equally they may permit Union inspectors to assist national inspectors in the execution of their duties.

(e) **Competences of Union inspectors at sea**

A Union inspector operating in his or her national waters or while undertaking inspections of flag vessels elsewhere retains the normal competencies and authority of a national inspector. A Union inspector operating in the waters under jurisdiction of another Member State has:

- the normal competencies and authority of a national inspector when inspection vessels of their own flag;
- the authority to carry out inspections of other flag fishing vessels operating in those waters including access to all areas of the fishing vessel and documentation.

⁽⁶⁵⁰⁾ Article 120 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁵¹⁾ Article 121 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁵²⁾ Article 77 of Council Regulation (EC) No 1224/2009.

⁽⁶⁵³⁾ Article 79(4) of Council Regulation (EC) No 1224/2009.

⁽⁶⁵⁴⁾ Article 122(3) and (4) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|---|-------------|
| Union inspectors, SCIP and JDP requirements | Module 6 |
| Union inspectors | Section 6.1 |

A Union inspector operating in the waters of an RFMO has:

- the normal competencies and authority of a national inspector when inspection vessels of their own flag;
- the authority to carry out inspections of other fishing vessels operating within the framework of that RFMO as stipulated by the RFMO;
- any additional competencies which may be granted by the accreditation as a designated inspector under the rules of the relevant RFMO, for example a North East Atlantic Fisheries Commission (NEAFC) accredited inspector has ‘the authority to examine all relevant areas, decks and rooms of the fishing vessels, catch (whether processed or not), nets or other gear, equipment, and any relevant documents which the inspector deems necessary to verify the compliance with the measures established by NEAFC and to question the master or a person designated by the master’ ⁽⁶⁵⁵⁾.

(f) Common sense and use of best practice

Union inspectors have to comply with both EU law and the national law of the Member State where the inspection takes place ⁽⁶⁵⁶⁾. This implies that Union inspectors must be seen to be complying with the requirements of these laws when undertaking inspections and gathering evidence of possible infractions. However, most Member States have individual legal systems, each with its own specific requirements regarding the implementation of the legal process by enforcement authorities and controls on the actions of those authorities. A formal procedure that is legally acceptable for establishing the facts and reporting an alleged offence in one Member State may not be so in another. However, as a general rule, evidence gathered and presented in a professional manner and in good faith by authorised and creditable officials will be respected by most legal authorities. Union inspectors should always seek the advice of any host officers and be guided by that advice when undertaking their duties. They should also ensure they are aware of any specific instructions laid down in the JDP decision.

Therefore, to help mitigate any questions over the legal acceptance of statements and evidence, officials acting as Union inspectors should ensure that inspections are conducted to the highest standard, that the inspection report and statements are completed in such a manner as to accurately record all the facts and findings of the inspection and that any evidence is obtained and recorded in an appropriate manner, supported if possible by contemporaneous notes. Union inspectors must remain fully aware of the limitations of their authority, particularly the exclusion of any police or enforcement powers when operating beyond their national territory. Presenting inspection reports that may be scrutinised by a judiciary system unfamiliar to the inspector is challenging, and only by aiming for the highest standards can a Union inspector effectively mitigate the risks of inadvertently gathering and presenting evidence in an inappropriate manner.

Union inspectors may be guided by any cross-Member State agreements regarding best practices to be followed by Union inspectors while carrying out their duties. For example, guidance may be available regarding the legal requirements surrounding the establishing of facts and gathering of evidence as pertaining to a particular Member State.

Of course, as with all other JDP matters, Union inspectors should not hesitate to liaise with the coordination centre in charge (CCiC) of the JDP wherever advice is required regarding the correct course of actions during inspections of fishing vessels.

⁽⁶⁵⁵⁾ Chapter IV, Article 15 of the NEAFC Scheme of Control and Enforcement.

⁽⁶⁵⁶⁾ Article 122(4) of Commission Implementing Regulation (EU) No 404/2011.

| | |
|--------------------|---|
| Module 6 | Union inspectors, SCIP and JDP requirements |
| Section 6.1 | Union inspectors |

Chapter 6.1.2 — Duties of Union inspectors

Part A. Introduction

In the accomplishment of their tasks Union inspectors must comply with the law of the EU and, as far as applicable, the national law of the Member State where the inspection takes place or, where the inspection is carried out outside EU waters, of the flag Member State of the inspected fishing vessel and relevant international rules ⁽⁶⁵⁷⁾.

JDPs constitute the normal operation environment for Union inspectors in EU waters.

Part B. Concepts and definitions

See Chapter 6.1.1.

Part C. Data and information sources

Electronic inspection reports.

List of Union inspectors.

Part D. Methodology

(a) **Conduct rules** ⁽⁶⁵⁸⁾ ⁽⁶⁵⁹⁾

Officials should carry out their duties in accordance with Union law. They must conduct inspections in a non-discriminatory manner at sea, in ports, during transport, on processing premises and during the marketing of the fisheries products. In particular Union inspectors should:

- check the legality of the catch kept on board, stored, transported, processed or marketed and the accuracy of the documentations or electronic transmissions relating to it;
- check the legality of the fishing gear used for the targeted species and for the catches kept on board;
- if appropriate, check the stowage plan and the separate stowage of species;
- check the marking of fishing gears;
- question persons deemed to have information on the matter that is the subject of the inspection;
- conduct inspections in such manner as to cause the least disturbance or inconvenience to the vessel or transport vehicle and its activities, and to the storing, processing and marketing of the catch;
- as far as possible, prevent any degradation of the catch during the inspection;
- in the course of inspections, they may take picture, video and audio recordings;
- allow the vessel operator the right to communicate with the competent flag state authorities during the inspection;
- consult with any control observers on board the fishing vessel;
- debrief the vessel operator at the end of the inspection;
- leave the fishing vessel on completion of the inspection.

⁽⁶⁵⁷⁾ Article 122(4) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁵⁸⁾ Article 74 of Council Regulation (EC) No 1224/2009.

⁽⁶⁵⁹⁾ Article 97 of Commission Implementing Regulation (EU) No 404/2011.

(b) **Identity card**

Union inspectors shall present a service card stating their identity and the capacity under which they operate. For this purpose they shall be provided with an identification document issued by the EFCA stating their identity and capacity.

| | |
|---|--------------------|
| Union inspectors, SCIP and JDP requirements | Module 6 |
| Union inspectors | Section 6.1 |

When undertaking inspections of flag vessels and therefore acting as national inspectors, the national procedures regarding the use and presentation of service/identity cards should be observed.

Union inspectors tasked to operate in the waters of an RFMO must be issued with the appropriate RFMO identity card. NAFO ⁽⁶⁶⁰⁾, NEAFC ⁽⁶⁶¹⁾ and ICCAT ⁽⁶⁶²⁾ each have unique identity cards and Union inspectors must ensure they are in possession of the appropriate card prior to deploying to the area.

(c) **Union inspector obligations**

In the accomplishment of their tasks Union inspectors must comply with EU law and, as far as applicable, the national law of the Member State where the inspection takes place or, where the inspection is carried out outside EU waters, of the flag Member State of the inspected fishing vessel and relevant international rules.

Union inspectors must immediately present their official identification document to the master of any fishing vessel they intend to inspect.

Union inspectors have no police and enforcement powers beyond the territory of their Member State of origin, or outside the Union waters under the sovereignty and jurisdiction of their Member State of origin. In addition, Union inspectors must limit their enquiries to matters pertaining to the CFP and should not be tempted to look into matters outside the remit of the CFP.

Equally, Union inspectors retain the same moral obligation as any member of the public to report any matter coming to their attention that appears to endanger either the safety of those involved in a fishing operation or the natural environment. Union inspectors faced with such a situation should in the first instance contact the JDP coordinator at the CCiC to report the matter and seek further advice.

⁽⁶⁶⁰⁾ Annex IV.d to the NAFO C and E Measures Scheme of Control and Enforcement.

(d) **Inspection reports** ⁽⁶⁶³⁾

Union inspectors must prepare and distribute an inspection report for all inspections undertaken at sea or ashore. The report should be completed during the inspection or as soon as possible after completion of the inspection. For inspections of EU vessels the list of minimum information required for the completion of inspection reports ⁽⁶⁶⁴⁾ should be followed. For inspections undertaken on behalf of RFMOs, inspectors shall use the report format stipulated by the RFMO concerned ⁽⁶⁶⁵⁾ ⁽⁶⁶⁶⁾ ⁽⁶⁶⁷⁾. These may be in paper or electronic format.

⁽⁶⁶¹⁾ Annex XI.b to the NEAFC Scheme of Control and Enforcement.

⁽⁶⁶²⁾ ICCAT Scheme of Joint International Inspections Part II.21.

⁽⁶⁶³⁾ Article 115 of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁶⁴⁾ Article 115 and Annex XXVII of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁶⁵⁾ Annex IV.B of the NAFO Scheme of Control and Enforcement.

(e) **Additional inspection reports**

Each jurisdiction may require additional reports from the inspectors as part of any alleged infringement reports, for example a personal statement of events may be required where the inspector first provides his or her personal details, qualifications and experience as relevant to their role as an inspector, followed by a chronological report of events as witnessed by the individual. The content, style and legal standing of this type of report may vary widely and Union inspectors should be guided by the JDP decision and seek the advice of the JDP coordinator if appropriate.

⁽⁶⁶⁶⁾ Annex XIII to the NEAFC Scheme of Control and Enforcement.

(f) **Infringement detected by Union inspectors** ⁽⁶⁶⁸⁾

Member States shall undertake all appropriate measures in respect of any infringement that a Union inspector has discovered in the waters under their sovereignty or jurisdiction, or on a fishing vessel flying their flag.

⁽⁶⁶⁷⁾ ICCAT Scheme of Joint International Inspection Part II.11.

⁽⁶⁶⁸⁾ Article 87 of Council Regulation (EC) No 1224/2009.

| | |
|--------------------|---|
| Module 6 | Union inspectors, SCIP and JDP requirements |
| Section 6.1 | Union inspectors |

(g) Infringement Report

If during the course of undertaking an inspection relevant data leads the inspector to believe an apparent infringement of the rules has taken place, the legal and material elements, together with any other information relevant to the infringement, shall be included in the inspection report. When several infringements are detected in the course of an inspection, relevant elements of each infringement shall be noted in the inspection report. The report should immediately be forwarded to the competent authority of the Member State.

(h) Transfer of proceedings ⁽⁶⁶⁹⁾

The Member State in the territory or waters of which an apparent infringement has been discovered may transfer proceedings relating to that infringement to the competent authorities of the flag Member State or the Member State of which the offender holds the citizenship, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the appropriate result.

The flag Member State may transfer proceedings relating to an infringement to the competent authorities of the inspecting Member State, with the agreement of the Member State concerned and on condition that the transfer is more likely to achieve the appropriate result.

(i) Recording and admissibility of evidence ⁽⁶⁷⁰⁾

When gathering evidence in support of any investigations surrounding an apparent infringement of the regulations in force in the area of operations, Union inspectors should be guided by the course 'Finalise the inspection' ⁽⁶⁷¹⁾. However, in doing so, Union inspectors should also remain alert to the different methods of recording and retaining evidence that may be required by the judicial systems of the Member State concerned. By using best practice, as discussed previously in this document, inspectors can ensure to the best of their ability that their efforts to gather and preserve evidence to the highest professional standards are recognised by the judicial system involved in pursuing the alleged infringement. In cases where an apparent infringement has been detected during a JDP, Union inspectors are advised to consult with the CCiC regarding the procedures to be followed.

⁽⁶⁶⁹⁾ Article 86 of Regulation (EC) No 1224/2009.

⁽⁶⁷⁰⁾ Article 115(2) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁷¹⁾ Core curriculum Volume 3 — General principles and specific types of inspection.

APPENDIX 1. Bibliography

None.

APPENDIX 2. Links and references

- Copies of regulations: <http://eur-lex.europa.eu>
- Member States' websites (public and secure).

APPENDIX 3. Legislation

- Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy.
- 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.
- Northwest Atlantic Fisheries Organisation (NAFO) Scheme of Control and Enforcement.
- North-East Atlantic Fisheries Commission (NEAFC) Scheme of Control and Enforcement.
- International Commission for the Conservation of Atlantic Tunas (ICCAT) Joint Scheme of International Inspection (Annex 7 of ICCAT Recommendation 2014-04).

| | |
|--------------------|---|
| Module 6 | Union inspectors, SCIP and JDP requirements |
| Section 6.2 | SCIP and JDP requirements |

Section 6.2 SCIP and JDP requirements

Coverage: All EU regions and EU vessels

Objectives

The purpose of this section is to assist Union inspectors in understanding the relationships between the Member States, the Commission and the EFCA and the roles played by the Union inspector in the implementation of specific control and inspection programmes (SCIPs) facilitated through a joint deployment plan (JDP).

Overview

The adoption of conservation measures assists with the achievement of the objectives of the CFP. Multiannual recovery plans ⁽⁶⁷²⁾ are included in such measures as a means to ensure conservation and sustainable exploitation of a stock or (in the case of a mixed fishery) groups of stocks. Multiannual plans provide for SCIPs ⁽⁶⁷³⁾, specifying objectives and procedures, as well as benchmarks for inspection activities established on the basis of risk assessment.

The mission of the EFCA ⁽⁶⁷⁴⁾ includes the coordination of the implementation of the SCIP through a JDP, giving effect to the objectives, priorities, procedures and benchmarks determined through the SCIP. Subsequently, the means of control that can be pooled by each Member State concerned can be identified. The JDP establishes common rules for the control and inspection activities to be carried out by each Member State concerned, in effect creating harmonised control and inspection procedures, including mutual access to relevant data.

Entry requirements

The section is applicable to all trainees, and in particular Union inspectors. They should have a thorough knowledge of the objectives and principles of the CFP and a detailed understanding of the concept of EU fisheries control, inspection and enforcement.

⁽⁶⁷²⁾ Article 7 of Regulation (EU) No 1380/2013.

⁽⁶⁷³⁾ Article 95 of Council Regulation (EC) No 1224/2009.

⁽⁶⁷⁴⁾ Article 3 of Council Regulation (EC) No 768/2005.

| | |
|---|--------------------|
| Union inspectors, SCIP and JDP requirements | Module 6 |
| SCIP and JDP requirements | Section 6.2 |

Chapter 6.2.1 — SCIP requirements

Part A. Introduction

This chapter will familiarise trainees with an understanding of the relationships between the Member States, the Commission and the EFCA in the implementation of SCIPs facilitated through the JDP.

Part B. Concepts and definitions

(a) **Control and inspection**

Measures taken by Member States to control and inspect fishing vessels within the scope of the CFP, including surveillance and monitoring activities.

(b) **Means of control and inspection**

This means surveillance vessels, aircraft, vehicles and other material resources, as well as inspectors, observers and other human resources used by Member States concerned for control and inspection.

Part C. Data and information sources

SCIP decisions.

JDPs.

List of Union inspectors.

Part D. Methodology

(a) **Establishing the SCIP**

The decision adopted by the Commission follows a specific structure.

Scope

This part of the decision specifies the activities the SCIP will cover, the start date and the Member States concerned.

Objectives

This part of the decision covers general objectives concerning the uniform and effective implementation of conservation and control measures applicable to the stocks concerned. Additionally, the objectives may stress the importance of compliance with specific measures.

Priorities

Generally the priorities for control and inspection activities are determined on the basis of a risk management strategy and are applicable to each group of fishing vessels, gear type, operator and fishing-related activity. Each Member State must assign the respective priority levels on the basis of the results of its risk assessment.

Procedures for risk assessment

Each Member State assesses the risk attached to the stocks and areas concerned and considers, using all relevant information, the risk of non-compliance and the potential consequences were it to happen, scoring each category as very low, low, medium, high or very high.

| | |
|--------------------|---|
| Module 6 | Union inspectors, SCIP and JDP requirements |
| Section 6.2 | SCIP and JDP requirements |

Risk management strategy

On the basis of the risk assessment each Member State shall define a risk management strategy, allocating appropriate control and inspection resources in the most cost-effective manner. Such strategies shall be coordinated at regional level through a JDP.

Relationship with JDP procedures

Where applicable, within the framework of a JDP, each Member State shall communicate the results of its risk assessments to the EFCA together with the associated levels of risk and the targets for inspection. It is entirely appropriate that such results should be periodically updated using information collected during joint inspection and surveillance activities, and used by the EFCA to update the regional risk management strategy.

Target benchmarks

These are set out in an annex and concern the high and very high risk levels for the stocks and areas concerned, supplementing those provided by the control regulation for multiannual plans. Control objectives, depending on the risk level are also set out in this annex. Target benchmarks for the other risk levels — very low, low and medium — may be determined through national control action plans. Target benchmarks should be reassessed annually.

(b) Implementing the SCIP

Cooperation between Member States and with third countries

The SCIP lays down ground rules for its implementation, obliging all Member States concerned to cooperate with each other for the implementation of the SCIP and requiring that all other Member States cooperate with the Member States concerned. Where third countries are involved, Member States may cooperate with them.

Joint inspection and surveillance activities

In the interest of increasing efficiency and effectiveness of their fisheries control systems, Member States concerned by the SCIP are obliged to undertake joint inspection and surveillance activities in Union waters under their jurisdiction and on their territories, where applicable.

Under the control regulation, a Member State may carry out inspections on fishing vessels of another Member State (a) in all Union waters outside Union waters under the sovereignty of another Member State and (b) where a SCIP has been adopted.

Exchange of data

Each Member State concerned with implementing the SCIP shall ensure the direct electronic exchange of data as provided for in the control regulation.

Information

Each Member State concerned shall communicate the details of each inspection carried out according to the format specified in the SCIP and by direct electronic means. This shall be communicated to the Commission and the EFCA. This shall also include details of infringements and actions taken. Specific communications may be required for certain stocks in certain areas ⁽⁶⁷⁵⁾.

Evaluation

Member States are obliged to submit an annual evaluation report to the Commission and the EFCA concerning the effectiveness of control and inspection activities carried out under the SCIP. The content of this report is taken into account by the EFCA in its annual assessment of the JDP.

⁽⁶⁷⁵⁾ Article 16 of Council Regulation (EC) No 768/2005.

Baltic Sea

SCIP for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea ⁽⁶⁷⁶⁾

The SCIP applies until 31 December 2018.

It is implemented by Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden.

It concerns the stocks of cod, herring, salmon and sprat in the Baltic Sea.

Inspectors should be aware that the objectives are particularly aimed at ensuring compliance with fishing opportunities management including monitoring quota uptake and effort regime in the areas concerned; reporting obligations, in particular the reliability of the information recorded and reported; and compliance with the landing obligation.

Inspectors should be aware that the procedures for risk assessment shall take into account the points set down in Annex I to the decision.

Inspectors should implement the target benchmarks for inspections at sea of at least 2.5 % of fishing trips for high risk and at least 5 % for very high risk level fishing vessels for the respective fishery.

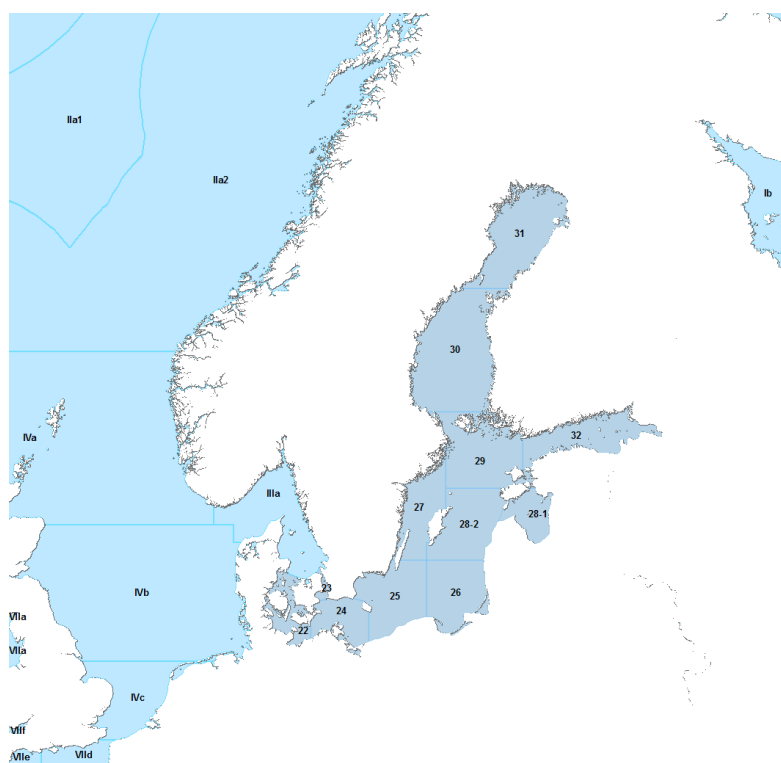


Figure 122 — *SCIP area for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea*

Regions 2 and 3

SCIP for fisheries exploiting cod, plaice and sole in the North Sea, the Kattegat, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea ⁽⁶⁷⁷⁾

The SCIP applies until 31 December 2018.

It is implemented by Belgium, Denmark, Sweden, Germany, Ireland, France, the Netherlands and the United Kingdom.

(⁶⁷⁶) Commission Implementing Decision of 21 June 2013 (2013/305/EU).

(⁶⁷⁷) Commission Implementing Decision of 25 June 2013 (2013/328/EU).

Inspectors should be aware of the objectives, aimed at achieving compliance with fishing opportunities management, including monitoring quota uptake and effort regime in the areas concerned; reporting obligations, in particular the reliability of the information recorded and reported; and compliance with the landing obligation.

Inspectors should be aware that the procedures for risk assessment take account of the points set down in Annex I to the decision.

Inspectors should implement the target benchmarks for inspections at sea of at least 2.5 % of fishing trips for high risk and at least 5 % for very high risk level fishing vessels for each of the fisheries concerned.

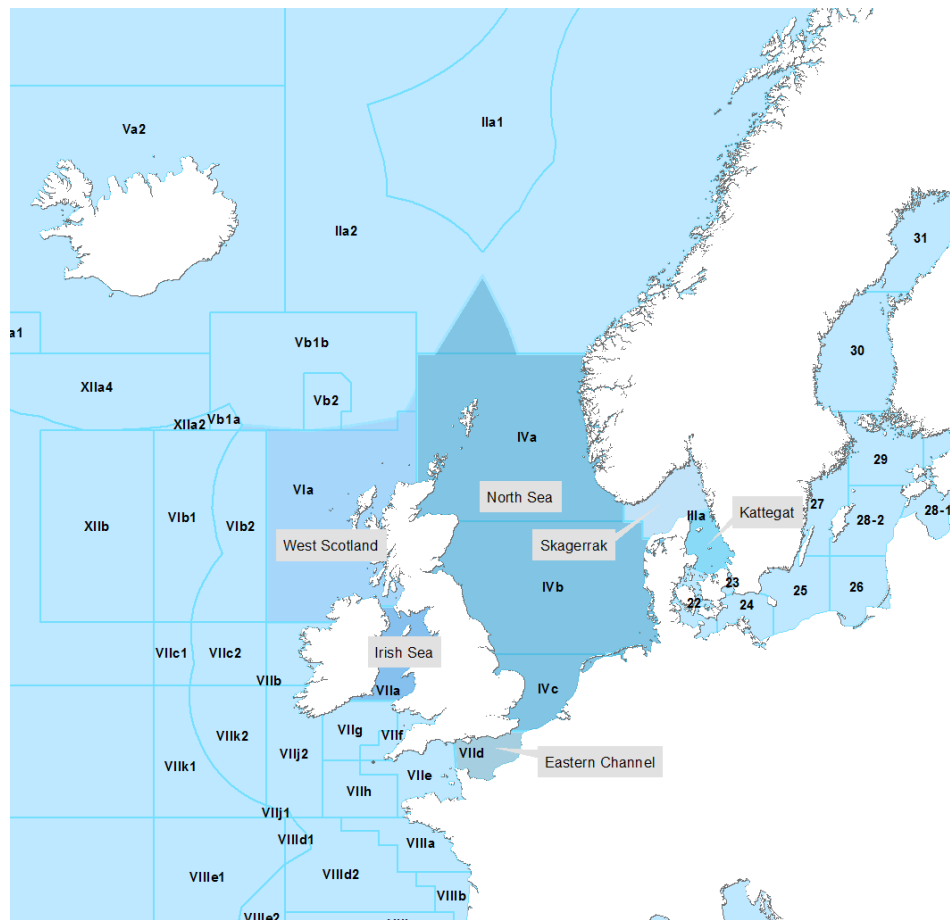


Figure 123 — SCIP area for fisheries exploiting cod, plaice and sole in the North Sea, the Kattegat, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea

SCIP for pelagic fisheries in Western Waters of the north-east Atlantic ⁽⁶⁷⁸⁾

The SCIP applies until 31 December 2018.

It is implemented by Denmark, Estonia, France, Germany, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Spain and the United Kingdom.

It concerns the stocks of herring, mackerel, horse mackerel, anchovy and blue whiting in Union waters of ICES Subareas V, VI, VII, VIII, IX, and Union waters of CECAF Area 34.1.1 (Western Waters), along with mackerel and herring in EU waters of ICES Division IVa (the northern North Sea).

It covers all fishing activities and fishing-related activities, imports and exports.

(⁶⁷⁸) Commission Implementing Decision of 19 December 2012 (2012/807/EU) as amended by Commission Implementing Decision (EU) 2015/1944.

Inspectors should be aware that the objectives are particularly aimed at ensuring compliance with fishing opportunities management, including monitoring quota uptake and effort regime in the areas concerned; reporting obligations, in particular the reliability of the information recorded and reported; and compliance with the landing obligation.

Inspectors should be aware that the procedures for risk assessment shall take account of the points set down in Annex I to the decision.

Inspectors should implement the target benchmarks for inspections at sea of at least 5 % of fishing trips for high risk and at least 7.5 % for very high risk level fishing vessels targeting the herring, mackerel and horse mackerel fisheries.

Inspectors should implement the target benchmarks for inspections at sea of at least 2.5 % of fishing trips for high risk and at least 5 % for very high risk level fishing vessels targeting the anchovy fishery.

Inspectors should implement the target benchmarks for inspections at sea of at least 5 % of fishing trips for high risk and at least 7.5 % for very high risk level fishing vessels targeting the blue whiting fishery.

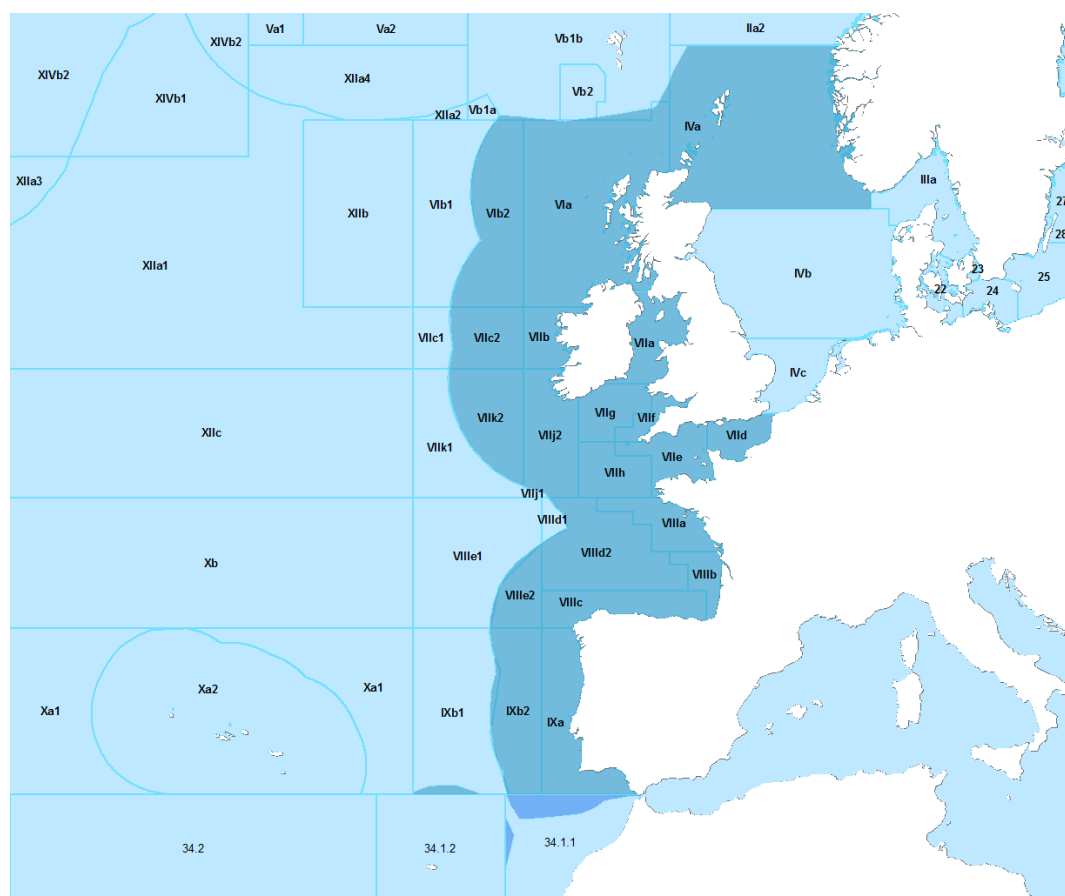


Figure 124 — *SCIP area for pelagic fisheries in Western Waters of the north-east Atlantic*

Mediterranean Sea and eastern Atlantic

SCIP for fisheries exploiting stocks of bluefin tuna in the eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the northern Adriatic sea ⁽⁶⁷⁹⁾

The SCIP applies until 15 March 2018.

(⁶⁷⁹) Commission Implementing Decision of 19 March 2014 (2014/156/EU).

It is implemented by Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia and Spain.

The objectives are particularly aimed at ensuring compliance with fishing opportunities management, including monitoring quota uptake and effort regime in the areas concerned; reporting obligations, in particular the reliability of the information recorded and reported; and compliance with the landing obligation.

The procedures for risk assessment shall take account of the points set down in Annex I to the decision.

The risk management strategy shall implement the target benchmarks for inspections at sea of 2,5 % of overall fishing trips for high risk and 5 % for very high risk level fishing vessels for the bluefin tuna fishery.

The risk management strategy shall implement the target benchmarks for inspections at sea of at least 20 % of fishing vessels targeting the stocks in question during the respective fishing season for the sardine and anchovy fisheries.

For the swordfish fishery landing inspections shall give priority to compliance with technical measures and closure periods.

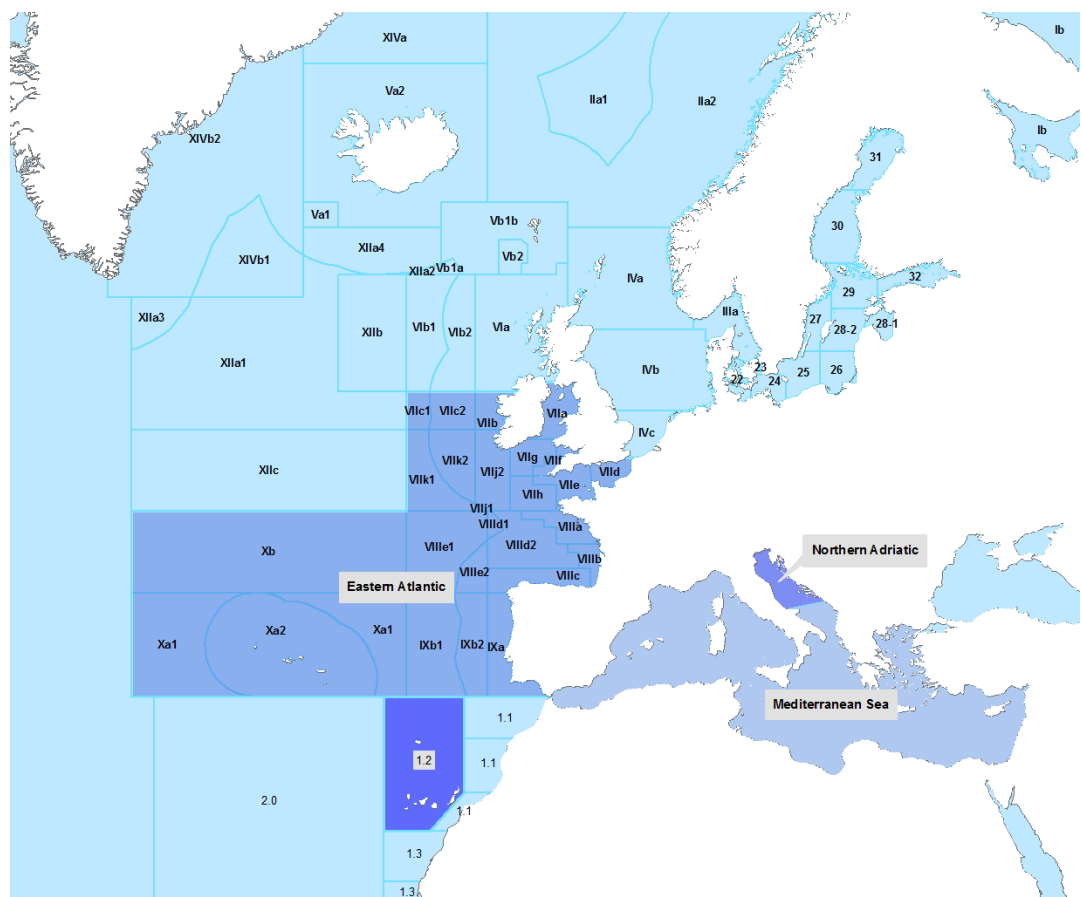


Figure 125 — SCIP area for fisheries exploiting stocks of bluefin tuna in the eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the northern Adriatic sea

| | |
|---|--------------------|
| Union inspectors, SCIP and JDP requirements | Module 6 |
| SCIP and JDP requirements | Section 6.2 |

Chapter 6.2.2 — JDP requirements

Part A. Introduction

JDPs constitute the normal operation environment for Union inspectors in EU waters, and as such protocols governing the devolution of responsibilities between national and Union inspectors are specified in the individual JDP decision.

Part B. Concepts and definitions

See Section 6.1

(a) **Coordination centre in charge**

The coordination centre in charge (CCiC) is normally the fisheries monitoring centre (FMC) of one of the Member States contributing to the JDP. The CCiC is designated within the JDP decision, along with contact details, normal operating hours, out-of-hours contact details, communication details and so on.

The CCiC is the centre point of the JDP in terms of receiving and disseminating operational information and reports relevant to the JDP. The CCiC may also undertake analysis of operational data and intelligence, carry out operational risk assessments and advise on tasking of operational units in the course of the JDP. The CCiC retains command and control responsibility for their allocated national resources but has no command and control authority over other Member States' assets unless this is stipulated within the JDP decision.

The EFCA operations room may be designated as the CCiC for certain JDPs at the request of the participating Member States, in which case national coordinators are embedded within the EFCA for the duration of the JDP.

(b) **Associated coordination centre**

Associated coordination centres (ACCs) may be nominated as the FMCs of participating Member States, other than the CCiC, and are designated within the JDP decision along with other details regarding operational hours, out-of-hours contacts and other communication details. The ACC's role is to support the CCiC during the JDP, particularly with regard to the command and control of national assets.

(c) **Core fishery patrol vessel**

The core fishery patrol vessel (FPV) is an asset nominated by the Member State during the JDP and as such it operates under the coordination of the CCiC during the JDP.

(d) **Associated FPV**

An associated FPV is an FPV that may be tasked by the Member State to operate in the JDP area during the JDP but is not formally considered as one of the JDP assets. It is however available to the JDP at the request of the CCiC, should an operational requirement for an additional patrol vessel arise. Any relevant inspections undertaken by an associated FPV are counted through the JDP by virtue of the SCIP requirements.

Part C. Data and information sources

EFCA website: <http://www.efca.europa.eu/content/joint-deployment-plans>

Part D. Methodology

(a) JDPs in EU waters

A JDP in EU waters gives effect to a SCIP adopted by the Commission that sets out the objectives, priorities and benchmarks for control and inspection by Member States as adopted by the Commission. Generally, JDPs cover a specific area and species, for example southern North Sea cod, and the Member States contributing to the JDP are those involved in the management measures in place for that particular area and species.

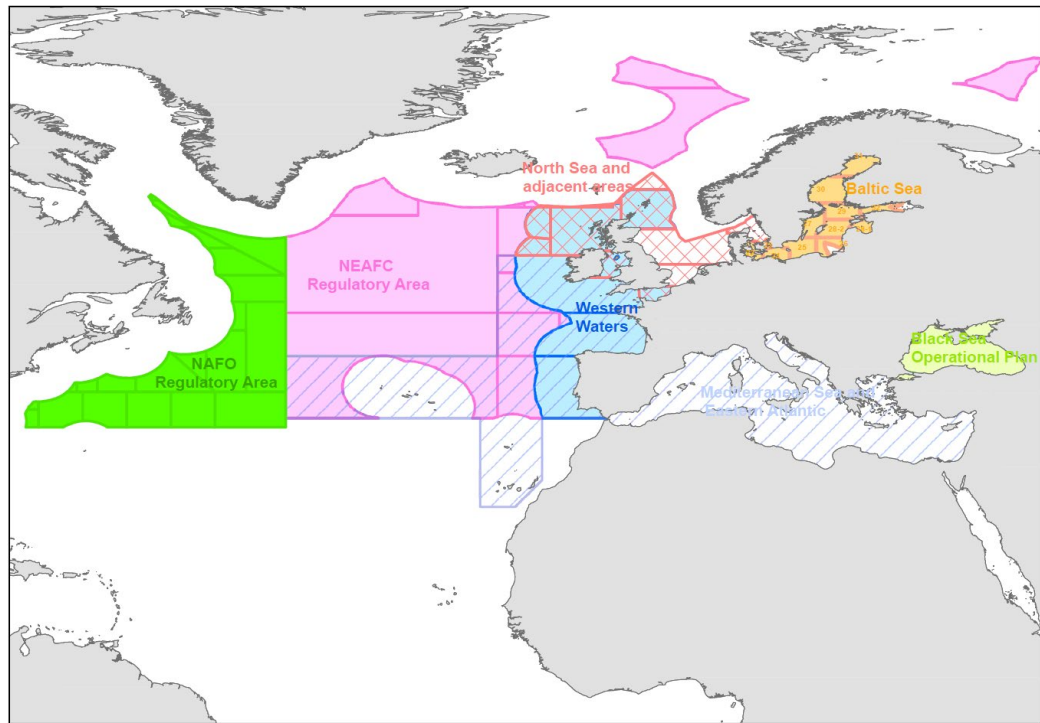


Figure 126 — Overview of JDPs applicable in EU and international waters (NAFO-NEAFC)

Whilst it is not mandatory for Union inspectors to be involved in a JDP, they play an intrinsic role in JDPs in that the remit of a Union inspector allows national inspectors appointed as Union inspectors the flexibility to operate across borders and sea areas and on platforms of other Member States. The following good practices normally apply in EU waters.

- Inspections at sea should normally be undertaken by at least two officials in order to comply with best practice ⁽⁶⁸⁰⁾.
- Inspections undertaken in the coastal waters of a particular Member State will normally be led by a national inspector of that Member State.
- If no coastal state inspector is available, inspections of vessels will normally be led by the national inspector of the vessel's flag state, when available.
- Union inspectors are required to prepare and submit a number of differing reports depending on circumstances, these are detailed in Chapter 6.1.2

(b) Reports ⁽⁶⁸¹⁾

Union inspectors should submit a daily summary on their inspection activities, including the name and identification number of each fishing vessel or craft inspected and the type of inspection carried out, to the competent authorities of the Member State in whose waters the inspection took place or, where the inspection was carried outside EU waters, to the flag Member State of the inspected EU fishing vessel and the EFCA.

⁽⁶⁸⁰⁾ Article 104(3) of Commission Implementing Regulation (EU) No 404/2011.

⁽⁶⁸¹⁾ Article 123 of Commission Implementing Regulation (EU) No 404/2011.

If an infringement is detected in the course of an inspection, a summarised inspection report must be submitted without delay in the same manner as above. This report should specify at least the date and place of the inspection, identification of the inspection platform, identification of the inspected target and type of infringement detected.

A copy of the full inspection report should be submitted as above within 7 days from the date of inspection. If the Union inspectors have detected an infringement, a copy of the full inspection report shall also be sent to the EFCA.

In case of inspections conducted by Union inspectors as part of a JDP, all reports should be submitted in accordance with the relevant procedures stipulated within the JDP decision.

(c) **Baltic Sea**

The EFCA coordinates the implementation of the SCIP that was established for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea. The encompassing objective of EFCA assistance to the Member State concerned is to ensure the uniform and effective implementation of the conservation and control measures applicable to stocks of cod, herring, salmon and sprat in the Baltic Sea SCIP area.

The Baltic Sea JDP has been operating since 2007 with the participation of Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Sweden and Finland, which collaborate in the implementation of these conservation and control measures through activities that are carried out each year, on a permanent basis, within the framework of the Baltic Sea joint campaign.

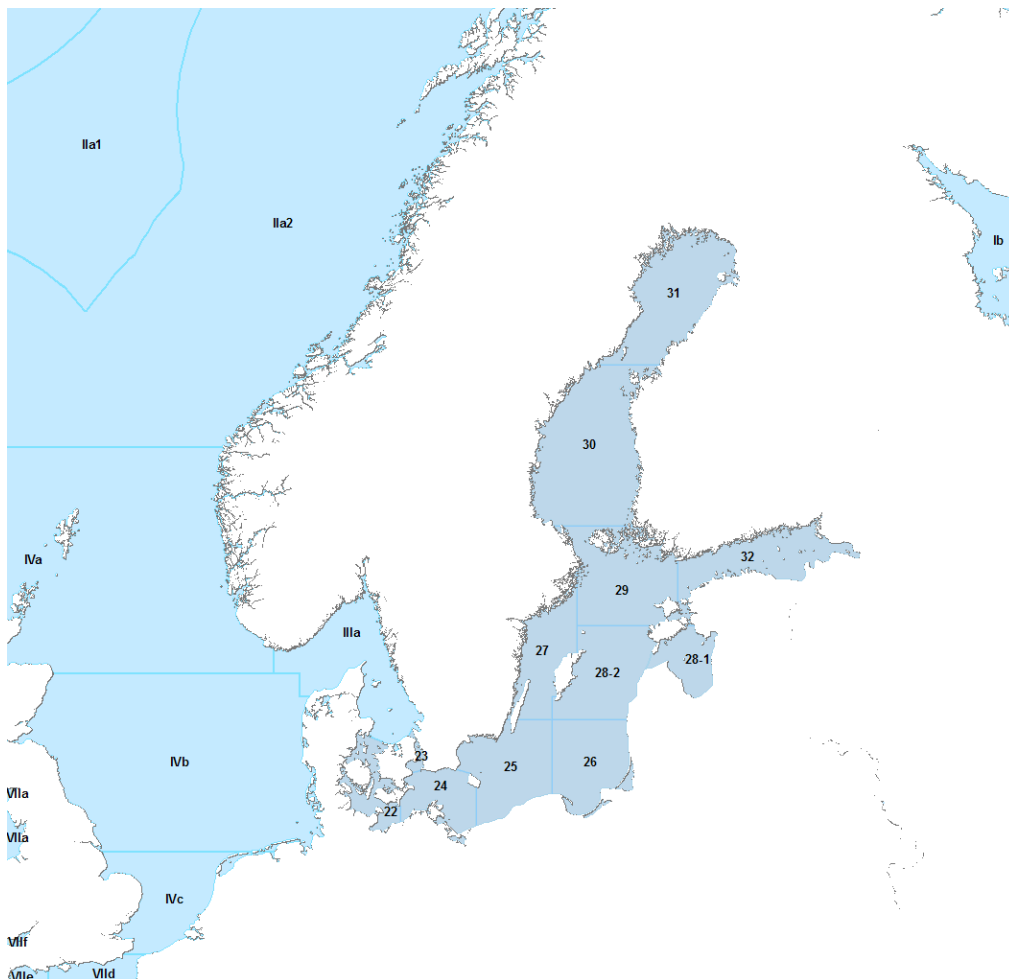


Figure 127 — *Baltic Sea JDP area*

(d) **Regions 2 and 3**

Western Waters

The EFCA coordinates the implementation of the SCIP for pelagic fisheries in Western Waters of the north-east Atlantic. The SCIP was established in 2012, and is applicable to herring, mackerel, horse mackerel, anchovy and blue whiting in EU waters of ICES Subareas V, VI, VII, VIII and IX, referred to as 'Western Waters'. In 2015 the SCIP was extended with additional species introduced, namely boarfish, sprat, argentine and sardine. There was also a geographical change in that for mackerel and herring, the SCIP now applies to Area IVa, referred to as the 'northern North Sea'. The encompassing objective of EFCA assistance to the Member State concerned is to ensure the uniform and effective implementation of the conservation and control measures applicable to stocks of anchovy, herring, mackerel, horse mackerel, blue whiting, boarfish, argentine, sprat and sardine in the Western Waters and northern North Sea SCIP areas.

The Western Waters JDP has been operating since 2012 with the participation of Denmark, Germany, Estonia, Ireland, Spain, France, Latvia, Lithuania, the Netherlands, Poland, Portugal and the United Kingdom, which collaborate in the implementation of these conservation and control measures through the system of joint campaigns based on permanent year-round control and inspection activities.

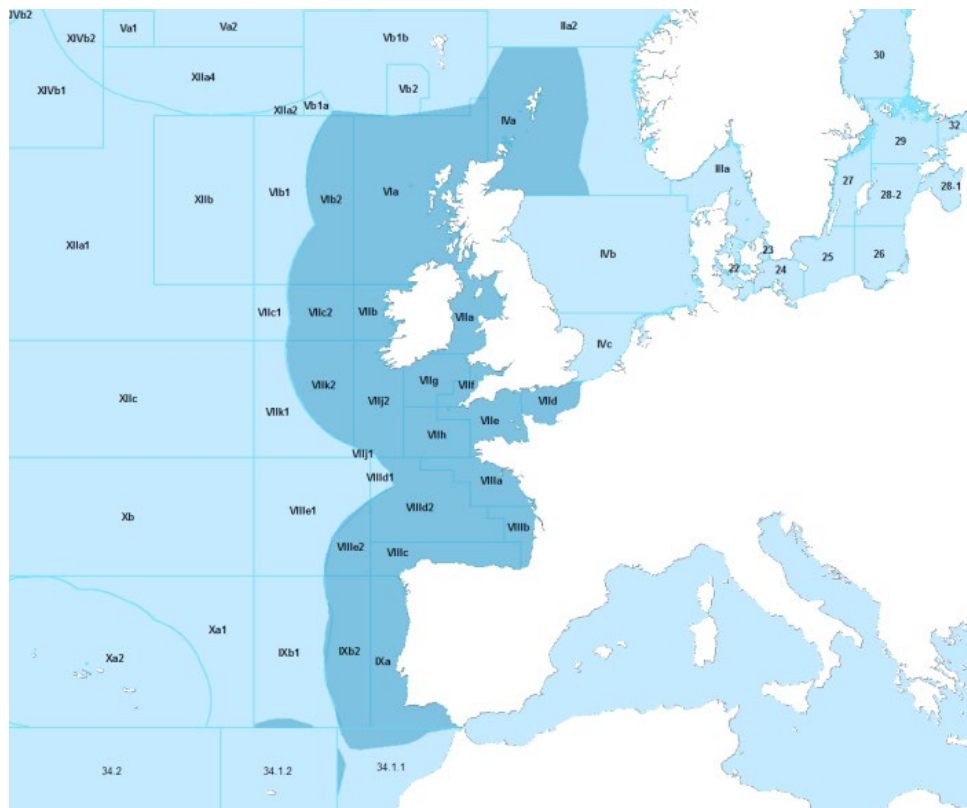


Figure 128 — *Western Waters JDP area*

(e) **North Sea**

The EFCA coordinates the implementation of the SCIP that was established for fisheries exploiting cod, plaice and sole in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea. The encompassing objective of EFCA assistance to the Member State concerned is to ensure the uniform and effective

implementation of the conservation and control measures applicable to stocks of cod, plaice and sole in the North Sea SCIP area.

The North Sea JDP has been operating since 2007 with the participation of Belgium, Denmark, Germany, Ireland, France, the Netherlands, Sweden and the United Kingdom which collaborate in the implementation of these conservation and control measures through activities that are carried out each year, on a permanent basis, within the framework of the North Sea joint campaigns.

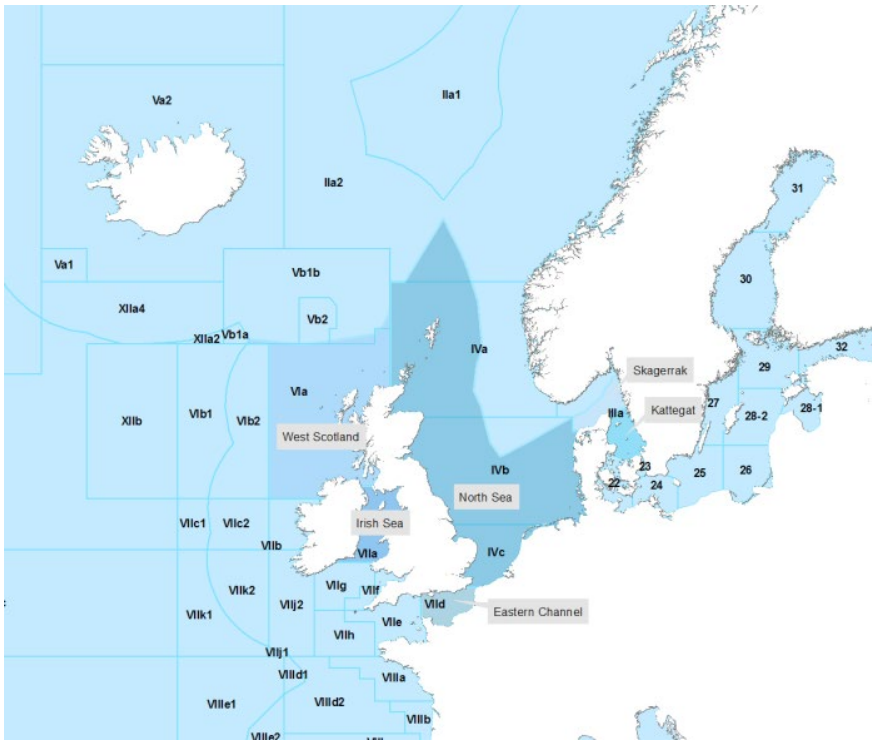


Figure 129 — *North Sea JDP area*

(f) **Mediterranean Sea**

The EFCA coordinates joint control, inspection and surveillance activities undertaken by Member States in order that they may comply with the objectives, priorities and target inspection benchmarks laid down in the SCIP for fisheries exploiting stocks of bluefin tuna in the eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and stocks of sardine and anchovy in the northern Adriatic Sea. The vehicle for this coordination is the Mediterranean JDP.

The Mediterranean JDP was adopted in May 2014 and has the active participation of Spain, Greece, France, Croatia, Italy, Cyprus, Malta, Portugal and Slovenia. Joint control and inspection activities conducted under the JDP are exhaustive and based on a risk assessment approach. They cover fishing and fishing-related activities, including farming, weighing, processing, marketing, transport and storage of fisheries products, and sport and recreational fisheries.

The EFCA strives towards the establishment and application of best practices, working closely in this regard with the Member States in all activities under the JDP. In the field, inspectors are exchanged between Member States both at sea and ashore in order to share experience and ensure uniform procedures and implementation. In addition, specific teams are mobilised on bluefin tuna farms during the caging activities and in periods of increased activities.

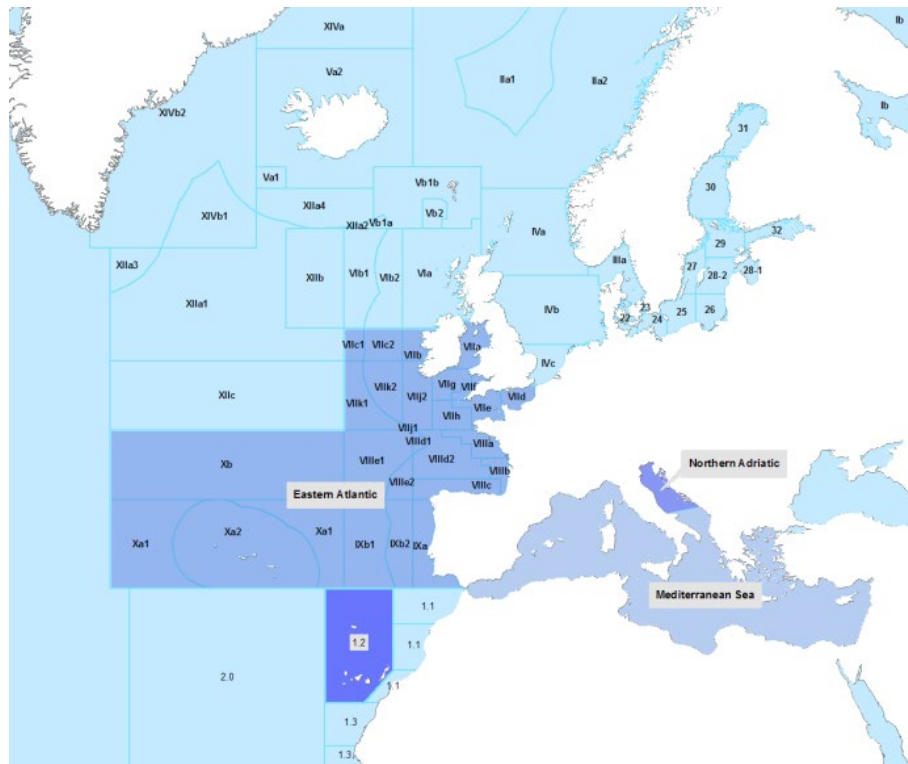


Figure 130 — Mediterranean Sea JDP area

(g) Cooperation in International waters — RFMOs ⁽⁶⁸²⁾ ⁽⁶⁸³⁾ ⁽⁶⁸⁴⁾

In international waters, the Commission delegates the agency with inspection activities, through carrying out JDPs both at sea and at the point of landing, to meet the international obligations of the EU. Union inspectors may be called upon to undertake inspection activities for a range of RFMOs. The EFCA oversees the implementation of the JDPs in close collaboration with the contact persons of the Member States concerned and, where appropriate, the secretariats of the relevant RFMOs. Union inspectors designated as an RFMO inspector must be issued with the identity card appropriate to that RFMO.

NAFO, NEAFC, General Fisheries Commission for the Mediterranean and ICCAT inspection schemes all have provisions for inspection to be undertaken by suitably authorised inspectors, however the powers granted to inspectors and, in particular, the rules to be followed during inspections vary between each RFMO. For example, both the NEAFC and NAFO dictate the number of inspectors to be in each inspection team, when a fishing vessel may be boarded and the maximum length of time an inspection may last. There are differing requirements regarding the use of force and carrying of arms by inspectors and the recording and reporting procedures also vary. Therefore, Union inspectors must ensure that before deploying to the waters of an RFMO they are familiar with the specific current rules regarding the role of inspectors and the conduct of inspections in that RFMO.

⁽⁶⁸²⁾ Annex 8, Part II, 'Conduct of inspections', of ICCAT Recommendation 12-03.

⁽⁶⁸³⁾ Chapter VI of NAFO Control and Enforcement Measures.

⁽⁶⁸⁴⁾ Chapter IV, Article 18 of the NEAFC Scheme of Control and Enforcement.

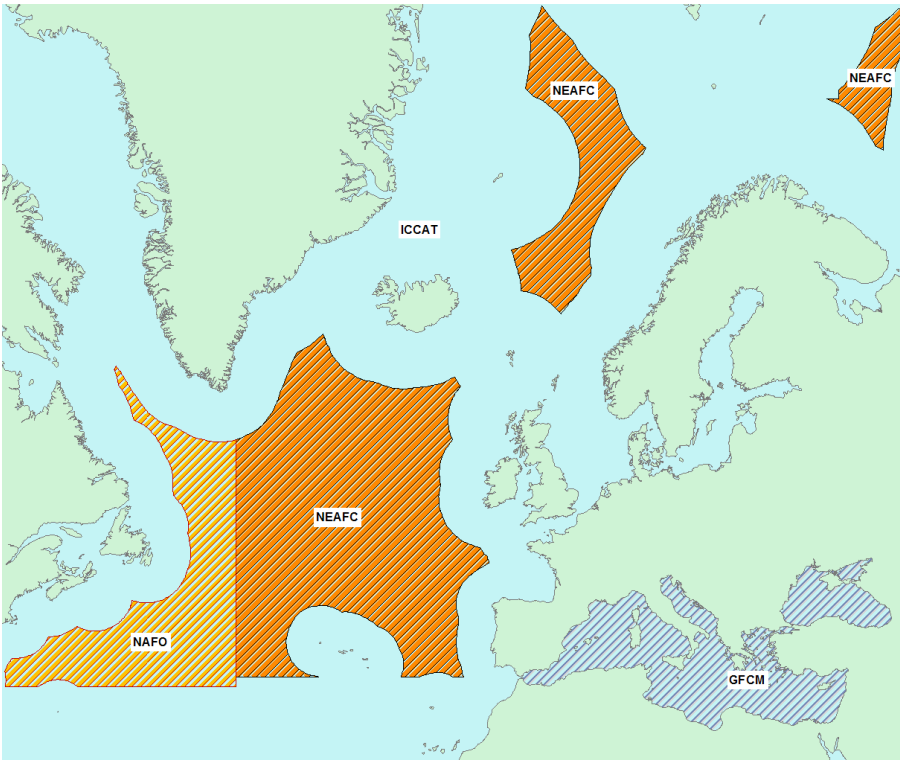


Figure 131 — *Cooperation in international waters*

Union inspectors may be faced with a number of different situations dependent on the area of operations, the nationality of the fishing vessel to be inspected and the RFMO rules applicable. When undertaking inspections at sea, Union inspectors must differentiate between EU rules applicable to EU vessels only and RFMO rules applicable to all contracting-party vessels fishing in the waters of that RFMO. In addition, RFMO inspection schemes generally contain contingencies for undertaking courtesy inspections of non-contracting-party fishing vessels operating in the regulated area. Therefore, the following guidelines may be useful to Union inspectors.

- National inspectors will normally take the lead when inspecting vessels of their own flag state. Vessels should be inspected for compliance with RFMO and EU regulations ⁽⁶⁸⁵⁾.
- Union inspectors may take the lead when inspecting another EU vessel. Vessels should be inspected for compliance with RFMO and EU regulations.
- Union inspectors may take the lead when inspecting the vessels of an RFMO contracting party or member that is not a Member State of the EU. Vessels should be inspected for compliance with RFMO regulations only.
- Union inspectors may take the lead when attempting to board a non-aligned fishing vessel under RFMO rules.

⁽⁶⁸⁵⁾ Article 3 of Council Regulation (EC) No 1224/2009.

APPENDIX 1. Bibliography

None.

APPENDIX 2. Links and references

- Copies of regulations: <http://eur-lex.europa.eu>
- Member States' websites (public and secure).
- Commission website: <http://ec.europa.eu/fisheries>
- EFCA website: <http://www.efca.europa.eu>

APPENDIX 3. Legislation

- Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy.
- Council Regulation (EC) No 1005/2009 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.
- 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.
- Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.
- Commission Implementing Decision of 19 December 2012 establishing a SCIP for pelagic fisheries in Western Waters of the north east Atlantic (2012/807/EU) as amended by Commission Implementing Decision (EU) 2015/1944.
- Commission Implementing Decision of 21 June 2013 establishing a SCIP for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea (2013/305/EU).
- Commission Implementing Decision of 25 June 2013 establishing a SCIP for fisheries exploiting cod, plaice and sole in the North Sea, the Kattegat, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea (2013/328/EU).
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.
- Commission Implementing Decision of 19 March 2014 establishing a SCIP for fisheries exploiting stocks of bluefin tuna in the eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the northern Adriatic Sea (2014/156/EU).

HOW TO OBTAIN EU PUBLICATIONS

Free publications:

- one copy:
via EU Bookshop (<http://bookshop.europa.eu>);
- more than one copy or posters/maps:
from the European Union's representations (http://ec.europa.eu/represent_en.htm);
from the delegations in non-EU countries (http://eeas.europa.eu/delegations/index_en.htm);
by contacting the Europe Direct service (http://europa.eu/europedirect/index_en.htm) or
calling 00 800 6 7 8 9 10 11 (freephone number from anywhere in the EU) (*).

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

Priced publications:

- via EU Bookshop (<http://bookshop.europa.eu>).

