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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 811/2004
of 21.4.2004
establishing measures for the recovery of the Northern hake stock

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ¹,

¹ Opinion delivered on 11 February 2004 (not yet published in the Official Journal).

Whereas:

- (1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the Northern hake stock in Community waters has suffered from levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which this stock may not be able to replenish itself by reproduction and that the stocks are therefore threatened with collapse.
- (2) The stock in question inhabits the Kattegat, the Skagerrak, the North Sea, the Channel, waters to the west of Scotland and all around Ireland and the Bay of Biscay.
- (3) Measures need to be taken to establish a multi-annual plan for the recovery of this stock.
- (4) It is expected that recovery of this stock under the conditions of this Regulation will take between five and ten years.
- (5) The objective of the plan should be considered to be achieved for this stock when, for two consecutive years, the quantity of mature Northern hake has been greater than the level set by managers as being within safe biological limits.
- (6) In order to achieve that objective, the fishing mortality rate need to be controlled so that it is highly likely that the quantities of mature fish in the sea will increase from year to year.

- (7) Such control of the fishing mortality rate can be achieved by establishing an appropriate method for the establishment of the level of Total Allowable Catches (TACs) of the stock concerned.
- (8) Once recovery has been achieved the Council should decide upon follow-up measures in accordance with Article 6 of Council Regulation 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ¹.
- (9) Control measures in addition to those laid down in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ² need to be included in order to ensure compliance with the measures laid down in this Regulation,

HAS ADOPTED THIS REGULATION:

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003, (OJ L 289, 7.11.2003, p. 1).

Article 1

Subject-matter

This Regulation establishes a recovery plan for the Northern hake stock which inhabits the ICES Division IIIa, ICES Sub-area IV, ICES Divisions V(b) (Community waters), VIa (Community waters), ICES Sub-area VII and ICES Divisions VIIIa,b,d,e ("the Northern hake stock").

Article 2

Purpose of the recovery plan

The recovery plan referred to in Article 1 shall aim to increase the quantities of mature fish of the Northern hake stock concerned to values equal to or greater than 140 000 tonnes.

Article 3

Reaching of target levels

Where the Commission finds, on the basis of advice from ICES and following agreement on that advice by the Scientific Technical and Economic Committee for Fisheries (STECF), that for two consecutive years the target level for the Northern hake stock concerned has been reached, the Council shall decide by qualified majority on a proposal from the Commission to replace the recovery plan by a management plan for the stock in accordance with Article 6 of Regulation (EC) No 2371/2002.

Article 4

Setting of TACs

A TAC shall be set in accordance with Article 5 where, for the Northern hake stock concerned the quantities of mature Northern hake have been estimated by the STECF, in the light of the most recent report of ICES, to be equal to or above 100 000 tonnes.

Article 5

Procedure of setting TACs

1. Each year, the Council shall decide by qualified majority on a proposal from the Commission on a TAC for the following year for the Northern hake stock concerned.
2. For 2004, the TAC shall be set at a level corresponding to a fishing mortality of 0,25, 4% less than status quo fishing mortality. For the subsequent years of the recovery plan, the TAC shall not exceed a level of catches which scientific evaluations carried out by the STECF, in the light of the most recent reports of ICES, indicate will correspond to a fishing mortality rate of 0,25.
3. The Council shall not adopt a TAC whose capture is predicted by the STECF, in the light of the most recent report of the ICES, to lead to a decrease in spawning stock biomass in its year of application.

4. Where it is expected that the setting of the TAC for a given year in accordance with paragraph 2 will result in a quantity of mature fish at the end of that year in excess of the target level indicated in Article 2, the Commission will carry out a review of the recovery plan and propose any adjustments necessary on the basis of the latest scientific evaluations. Such a review shall in any event be carried out not later than 3 years following the adoption of this Regulation with the aim of ensuring that the objectives of the recovery plan are achieved.
5. Except for the first year of application of this Regulation, the following rules shall apply:
 - (a) where the rules provided for in paragraphs 2 or 4 would lead to a TAC for a given year which exceeds the TAC of the preceding year by more than 15%, the Council shall adopt a TAC which shall not be more than 15% greater than the TAC of that year or;
 - (b) where the rule provided for in paragraphs 2 or 4 would lead to a TAC for a given year which is more than 15% less than the TAC of the preceding year, the Council shall adopt a TAC which is not more than 15% less than the TAC of that year.

Article 6

Setting of TACs in exceptional circumstances

Where the quantities of mature fish of the Northern hake stock concerned have been estimated by the STECF, in the light of the most recent report of the ICES, to be less than 100 000 tonnes, the following rules shall apply:

- (a) Article 5 shall apply where its application is expected to result in an increase in the quantities of mature fish of the Northern hake stock concerned, at the end of the year of application of the TAC to a quantity equal to or greater than 100 000 tonnes;
- (b) where the application of Article 5 is not expected to result in an increase in the quantities of mature fish of the Northern hake stock concerned, at the end of the year of application of the TAC, to a quantity equal to or greater than 100 000 tonnes, the Council shall decide by a qualified majority, on a proposal from the Commission, on a TAC for the following year that is lower than the TAC resulting from the application of the method described on Article 5.

Article 7

Recording and accounting of time spent in the areas

Notwithstanding Article 19a of Regulation (EEC) No 2847/93, Articles 19e and 19k of that Regulation shall apply to vessels operating in the geographical area referred to in Article 1.

Article 8

Prior notification

1. The master of a Community fishing vessel, or his representative, prior to any entry in to port or any landing location of a Member State with more than two tonnes of Northern hake on board shall inform the competent authorities of that Member State, at least four hours in advance of such entry, of:

- (a) the name of the port or landing location;
- (b) the estimated time of arrival at that port or landing location;
- (c) the quantities in kilograms live weight of regulated species of which more than 50 Kg is retained on board;

2. The competent authorities of a Member State in which a landing of more than two tonnes of Northern hake is to be made, may require that the discharge of catch retained on board shall not commence until authorised by those authorities.

3. The master of a Community fishing vessel, or his representative, wishing to tranship or discharge at sea any quantity retained on board or to land in a port or landing location of a third country shall transmit to the competent authorities of the flag Member State at least 24 hours prior to transhipment or discharge at sea or to landing in a third country the information referred to in paragraph 1.

Article 9

Designated ports

1. Where more than two tonnes of Northern hake are to be landed in the Community from a Community fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports.

2. Each Member State shall designate ports at which any landing of Northern hake in excess of two tonnes shall take place.

3. Each Member State shall transmit to the Commission by * the list of designated ports and, within 30 days thereafter, associated inspection and surveillance procedures for those ports, including the terms and conditions for recording and reporting the quantities of Northern hake within each landing. The Commission shall transmit the information to all Member States.

Article 10

Margin of tolerance

By way of derogation from Article 5(2) ¹ of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish, the permitted margin of tolerance in the estimation of quantities of northern hake, in Kg retained on board, shall be 8% of the logbook figure. In the event that no conversion factor is laid down in Community legislation, the conversion factor adopted by the Member State whose flag the vessel is flying shall apply.

Article 11

Separate stowage

It shall be prohibited to retain on board a Community fishing vessel in any container any quantity of Northern hake mixed with any other species of marine organisms. Containers with Northern hake shall be properly marked for identification purposes or stowed in the hold in such a way that they are kept separate from other containers.

* 15 days from the date of entry into force of this Regulation

¹ OJ L 276, 10.10.1983, p. 1. Regulation as last amended by Regulation (EC) No 1965/2001 (OJ L 268, 9.10.2001, p. 23).

Article 12

Transport

1. The competent authorities of a Member State may require that any quantity of Northern hake caught in the geographical area defined in Article 1 and first landed in that Member State is weighed in the presence of controllers before being transported elsewhere from the port of first landing. For Northern hake first landed in a port designated under Article 9, representative samples, amounting to at least 20% of the landings in number, shall be weighed in the presence of controllers authorised by the Member States before they are offered for first sale and sold. To this end, the Member States shall submit to the Commission, by^{*}, details of the sampling regime to be employed.

2. By way of derogation from the conditions laid down in Article 13 of Regulation (EEC) No 2847/93, all quantities of Northern hake greater than 50 Kg which are transported to a place other than that of first landing or import shall be accompanied by a copy of the declaration provided for in Article 8(1) of that Regulation pertaining to the quantities of Northern hake transported.

Article 13

Specific monitoring programme

By way of derogation from Article 34c(1) of Regulation (EEC) No 2847/93, the specific monitoring programme for the Northern hake stock concerned may last more than two years from its date of entry into force.

^{*} one month from the date of entry into force of this Regulation.

Article 14

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

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

Done at Luxembourg, 21.4.2004.

For the Council
The President
J. WALSH

COUNCIL REGULATION (EC) No 812/2004**of 26.4.2004**

laying down measures concerning incidental catches
of cetaceans in fisheries and amending Regulation (EC) No 88/98

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ¹,

¹ Opinion delivered on 10.2.2004.

Whereas:

- (1) The objective of the Common Fisheries Policy, as defined in Article 2 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ¹, is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions. To this end, the Community should, among other things, minimise the impact of fishing activities on marine ecosystems, and the Common Fisheries Policy should be consistent with other Community policies, in particular with environmental policy.
- (2) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ² gives strict protection status to cetaceans and requires Member States to undertake surveillance of the conservation status of these species. Member States should also establish a system to monitor the incidental capture and killing of these species, to take further research and conservation measures as required to ensure that incidental capture or killing does not have a significant impact on the species concerned.
- (3) The scientific information available and the techniques developed to reduce incidental capture and killing of cetaceans in fisheries justify additional measures being taken to further the conservation of small cetaceans in a consistent and cooperative manner at Community level.

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 206, 22.7.1992, p. 7. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

- (4) Some acoustic devices have been developed to deter cetaceans from fishing gear, and have proven successful in reducing by-catch of cetacean species in static net fisheries. The use of such devices should therefore be required in areas and fisheries with known or foreseeable high levels of by-catch of small cetaceans, and taking into account the cost/efficiency of such requirement. It is also necessary to establish the technical specifications for the efficiency of the acoustic deterrent devices to be used in such fisheries. Scientific studies or pilot projects are needed to increase knowledge about the effects over time of the use of acoustic deterrent devices.
- (5) Scientific and technical research, in particular on new forms of active deterrent devices, should not be hindered by this Regulation. While Member States should, therefore, be allowed, for the purpose of this Regulation, to authorise the use of newly developed and efficient types of acoustic deterrent devices not in conformity with the technical specifications laid down in this Regulation on a temporary basis, it is also necessary to provide for technical specifications of acoustic deterrent devices to be brought up to date as soon as possible in accordance with Council Decision No 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission ¹.

¹ OJ L 184, 17.7.1999, p. 23.

- (6) Independent observations of fishing activities are essential to provide reliable estimates of the incidental catch of cetaceans. It is therefore necessary for monitoring schemes with independent on-board observers to be set up and for the designation of the fisheries where such monitoring should be given priority to be coordinated. In order to provide representative data on the fisheries concerned, the Member States should design and implement appropriate monitoring programmes for vessels flying their flag engaged in these fisheries. For small-sized fishing vessels less than 15 m overall length, which sometimes are unable to allow an additional person permanently on board as an observer, data on incidental catches of cetaceans should be collected through scientific studies or pilot projects. Common monitoring and reporting tasks also need to be set.
- (7) To enable regular evaluation at Community level and thorough assessment in the medium term to take place, the Member States should report annually on the use of pingers and the implementation of the on-board observer programmes and include all information collected on the incidental capture and killing of cetaceans in fisheries.
- (8) The risk created by driftnet fishing to the critically endangered population of harbour porpoise in the Baltic Sea area requires the use of driftnets in this area to be stopped. Community vessels which fish with driftnets in this area will be subject to economic and technical constraints necessitating a phasing-out period before a total ban on this gear by 1 January 2008. Council Regulation (EC) No 88/98 of 18 December 1997 laying down technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound ¹ should be amended to incorporate these measures,

HAS ADOPTED THIS REGULATION:

¹ OJ L 9, 15.1.1998 p.1. Regulation as last amended by Regulation (EC) No 48/1999, (OJ L 13, 18.1.1999, p. 1).

Article 1

Subject-matter

This Regulation lays down measures aimed at mitigating incidental catches of cetaceans by fishing vessels in the areas indicated in Annexes I and III.

Article 2

Use of acoustic deterrent devices

1. Without prejudice to other Community provisions, it shall be prohibited for vessels of 12 m or over in overall length to use the fishing gear defined in Annex I in the areas, for the periods, and as from the dates indicated therein without the simultaneous use of active acoustic deterrent devices.
2. The masters of the Community fishing vessels shall ensure that the acoustic deterrent devices are fully operational when setting the gear.
3. By way of derogation, paragraph 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.
4. Member States shall take necessary steps to monitor and assess, by means of scientific studies or pilot projects, the effects of pinger use over time in the fisheries and areas concerned.

Article 3

Technical specifications and conditions of use

1. Acoustic deterrent devices used in application of Article 2(1) shall comply with one set of the technical specifications and conditions of use defined in Annex II.
2. By way of derogation to paragraph 1, Member States may authorise the temporary use of acoustic deterrent devices which do not fulfil the technical specifications or conditions of use defined in Annex II, provided that their effect on the reduction of incidental catches of cetaceans has been sufficiently documented. An authorisation shall be valid for no more than two years.
3. Member States shall inform the Commission of the authorisations in accordance with paragraph 2 within two months of the date of issue. They shall provide the Commission with technical and scientific information on the acoustic deterrent device authorised and its effects on incidental catches of cetaceans.

Article 4

At-sea observer schemes

1. Member States shall design and implement monitoring schemes for incidental catches of cetaceans using observers on board the vessels flying their flag and with an overall length of 15 m or over, for the fisheries and under the conditions defined in Annex III. The monitoring schemes shall be designed to provide representative data of the fisheries concerned.
2. Member States shall take the necessary steps to collect scientific data on incidental catches of cetaceans for vessels with an overall length less than 15 m and involved in fisheries defined in Annex III paragraph 3 by means of appropriate scientific studies or pilot projects.

Article 5

Observers

1. In order to discharge their obligation to provide observers, Member States shall appoint independent and properly qualified and experienced personnel. In order to carry out their tasks the personnel selected must have the following qualifications:
 - (a) sufficient experience to identify cetacean species and fishing practices;
 - (b) basic maritime navigation skills and appropriate safety instruction;
 - (c) the capacity to accomplish elementary scientific tasks, for example taking of samples where necessary and making accurate observations and records in that connection;
 - (d) a satisfactory knowledge of the language of the flag Member State of the vessel being observed.

2. The task of observers is to monitor incidental catches of cetaceans and to collect the data necessary to extrapolate the by-catch observed to the whole fishery concerned. In particular, the observers shall:

- (a) monitor the fishing operations of the vessels concerned and record the appropriate data on fishing effort (gear characteristics, location and timing of beginning and end of effective fishing operation);
- (b) monitor incidental catches of cetaceans.

Observers may also carry out such other observations, as may be determined by Member States, for the purposes of contributing to the scientific understanding of the catch composition of the vessels concerned and the biological status of fishery stocks.

3. The observer shall send a report containing all the data collected on the fishing effort and observations on incidental catches of cetaceans, including a summary of his main findings, to the competent authorities of the flag Member State concerned.

The report shall contain in particular the following information for the period in question:

- (a) the vessel's identity;
- (b) the name of the observer and the period during which the observer was on board;

- (c) the type of fishery concerned (including gear characteristics, areas with reference to the Annexes I and III and target species);
- (d) the duration of the fishing trip and the corresponding fishing effort (expressed as total net length x fishing hours for passive gear and numbers of fishing hours for towed gear);
- (e) the number of incidentally-caught cetaceans, including species and where possible additional information on size or weight, sex, age, and, where appropriate, indications on animals lost during hauling the gear or released alive;
- (f) any additional information the observer deems useful to the objectives of this Regulation, including any failure of acoustic deterrent device during a fishing operation, or any additional observation on cetacean biology (such as sightings of cetaceans or particular behaviour in relation with the fishing operation).

The master of the vessel may request a copy of the observer's report.

4. The flag Member State shall keep the information contained in observer's reports for at least five years after the end of the relevant reporting period.

Article 6

Annual reports

1. Each year, Member States shall send the Commission, by 1 June, a comprehensive annual report on the implementation of Articles 2, 3, 4 and 5 during the previous year. The first report shall cover both the remaining part of the year following the entry into force of this Regulation and the entire year that follows.

2. On the basis of the observers' reports provided according to Article 5(3) and all other appropriate data, including those on fishing effort collected in application of Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy¹, the annual report shall include estimates of the overall incidental catches of cetaceans in each of the fisheries concerned. This report shall include an assessment of the conclusions of the observers' reports and any other appropriate information, including any research conducted within the Member States to reduce the incidental capture of cetaceans in fisheries. When reporting on the results of scientific studies or pilot projects as provided for in Articles 2(4) and 4(2), Member States shall ensure that sufficiently high quality standards are reached in their design and implementation and shall provide detailed information concerning those standards to the Commission.

Article 7

Overall assessment and review

1. One year at the latest after the submission by Member States of their second annual report, the Commission shall report to the European Parliament and the Council on the operation of this Regulation in the light of the information available as a result of the application of Article 6 and of the assessment by the Scientific, Technical and Economic Committee for Fisheries of the reports of the Member States. The report shall consider in particular the application of this Regulation to types of vessel and areas, the quality of information derived from observer schemes and the quality of pilot projects and may be accompanied by appropriate proposals.

2. This report shall be updated following the submission of the fourth annual report by Member States.

¹ OJ L 176, 15.7.2000, p. 1.

Article 8

Adaptation to technical progress and additional technical guidance

1. The following shall be adopted in accordance with the management procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002:
 - (a) operational and technical guidance on the tasks of the observers, as set out in Article 6;
 - (b) detailed rules on reporting requirements, as set out in Article 6.
2. Amendments to Annex II which are necessary in order to adapt it to technical and scientific progress shall be adopted in accordance with the regulatory procedure laid down in Article 30(3) of Regulation (EC) No 2371/2002.

Article 9

Amendment of Regulation (EC) No 88/98

The following Articles shall be inserted:

"Article 8a

Restrictions on drift-nets

1. From 1 January 2008, it shall be prohibited to keep on board, or use for fishing, driftnets.

2. Until 31 December 2007, a vessel may keep on board, or use for fishing, driftnets if authorised to do so by the competent authorities of the flag Member State.

3. In 2005, the maximum number of vessels which may be authorised by a Member State to keep on board, or use for fishing, driftnets shall not exceed 60% of the fishing vessels which used drift-nets during the period 2001 to 2003.

In 2006 and 2007, the maximum number of vessels shall not exceed 40% and 20% respectively of the fishing vessels which used driftnets during the period 2001 to 2003.

4. Member States shall communicate to the Commission by 30 April of each year, the list of vessels authorised to carry out fishing activities using driftnets; for 2004, the information shall be sent not later than 31 August 2004.

Article 8b

Conditions for drift-nets

1. Floating buoys, with radar reflectors, must be moored to each end of the netting, so that its position can be determined at any time. The buoys must be permanently marked with the registration letter(s) and number of the vessel to which they belong.

2. The master of a fishing vessel using driftnets shall keep a logbook in which he must record the following information on a day-to-day basis:

- (a) the total length of the nets on board;
- (b) the total length of the nets used in each fishing operation;
- (c) the quantity of by-catches of cetaceans;
- (d) the date and position of such catches.

3. All fishing vessels using driftnets shall keep on board the authorisation referred to in Article 8a (2)."

Article 10

Entry into force

This Regulation shall enter into force on 1 July 2004.

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

Done at Luxembourg, 26.4.2004.

For the Council
The President
J. WALSH

ANNEX I

Fisheries in which the use of acoustic deterrent devices is mandatory

Area	Gear	Period	Starting date
A. <u>Baltic Sea</u> 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, 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	(a) Any bottom-set gillnet or entangling net	All year	1 June 2005
	(b) Any drift-net	All year	1 June 2005

Area	Gear	Period	Starting date
B. ICES sub area IV and division III a	(a) Any bottom-set gillnet or entangling net, or combination of these nets, the total length of which does not exceed 400 metres	(a) 1 August - 31 October	1 August 2005
	(b) Any bottom-set gillnet or entangling net with mesh sizes ≥ 220 mm	(b) All year	1 June 2005
C. ICES divisions VII e, f, g, h, and j	(a) Any bottom-set gillnet or entangling net	(a) All year	1 January 2006
D. ICES division VII d	(a) Any bottom-set gillnet or entangling net	(a) All year	1 January 2007
E. Baltic Sea subdivision 24 (except for the area covered under A)	(a) Any bottom-set gillnet or entangling net	(a) All year	1 January 2007
	(b) Any drift-net	(b) All year	1 January 2007

ANNEX II

Technical specifications and conditions of use of acoustic deterrent devices

Any acoustic deterrent devices used in application of Article 2(1) shall meet one of the following sets of signal and implementation characteristics:

	Set 1	Set 2
	SIGNAL CHARACTERISTICS	
* Signal synthesis	Digital	Analogue
* Tonal/wide band	Wide band / tonal	Tonal
* Source levels (max-- min) re 1 μ Pa@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)

ANNEX IIIFisheries to be monitored and minimum level
of fishing effort subject to on-board observers1. General monitoring obligations

Monitoring schemes shall be designed on an annual basis and established to monitor cetacean by-catch, in a representative manner, in the fisheries defined in the table in paragraph 3.

Monitoring schemes shall be made sufficiently representative by adequately spreading observer coverage over the fleets, time and fishing areas.

As a general rule, monitoring schemes shall be based on a sampling strategy designed to allow the estimation of the by-catch rates of cetaceans, for the most frequent species in the by-catch per unit effort by a given fleet to achieve a coefficient of variation not exceeding 0,30. The sampling strategy shall be designed on the basis of existing information on the variability of previous by-catch observations.

2. Pilot monitoring schemes

Where, due to absence of information on variability of by-catch, the sampling strategies cannot be designed to achieve the coefficient of variation within the limit set in paragraph 1, Member States shall implement pilot on-board observer schemes for two consecutive years, starting at the dates in paragraph 3 for the concerned fisheries.

These pilot observer schemes shall be based on a sampling strategy aimed at determining the variability of by-catch which will provide the basis for the design of subsequent sampling strategies under the conditions of the paragraph 1, and shall also provide estimates of by-catch of cetaceans per unit effort, broken down by species.

The pilot schemes shall cover, at least, the following minimum value of fishing effort:

- (a) For all fisheries defined in paragraph 3, with the exception of pelagic trawls (single and pair) from 1 December to 31 March in ICES sub areas VI, VII and VIII:

	Fleets of more than 400 vessels	Fleets of more than 60 and less than 400 vessels	Fleets of less than 60 vessels
Minimum effort covered by the pilot schemes	The fishing effort of 20 vessels	5% of the fishing effort	5%, covering at least 3 different vessels

- (b) For pelagic trawls (single and pair) from 1 December to 31 March in ICES sub areas VI, VII and VIII:

	Fleets of more than 60 vessels	Fleets of less than 60 vessels
Minimum effort covered by the pilot schemes	10% of the fishing effort	10%, covering at least 3 different vessels

3. Fisheries to be monitored and monitoring starting dates

Area	Gear	Starting date
A. ICES sub areas VI, VII and VIII.	Pelagic trawls (single and pair)	1 January 2005
B. Mediterranean Sea (of the east of line 5°36' west)	Pelagic trawls (single and pair)	1 January 2005
C. ICES divisions VIa, VII a and b, VIIIa, b and c, and IXa	Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm	1 January 2005
D. ICES sub area IV, division VIa, and sub area VII with the exception of divisions VIIc and VIIk	Driftnets	1 January 2006

E.	ICES sub areas III a, b, c, III d south of 59°N, III d north of 59°N (only from 1 June to 30 September), IV and IX	Pelagic trawls (single and pair)	1 January 2006
F.	ICES sub areas VI, VII and VIII and IX	High-opening trawls	1 January 2006
G.	ICES sub area III b, c, d	Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm	1 January 2006

COUNCIL REGULATION (EC) No 813 /2004
of 26.4.2004

amending Regulation (EC) No 1626/94
as regards certain conservation measures
relating to waters around Malta

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the "Treaty of Accession")¹, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as the "Act of Accession")², and in particular Article 21 thereof,

Having regard to the proposal from the Commission,

¹ OJ L 236, 23.9.2003, p. 17.

² OJ L 236, 23.9.2003, p. 23.

Whereas:

- (1) Pursuant to Article 21 of the Act of Accession, Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean ¹ is to be amended in accordance with the guidelines set out in Annex III of the Act of Accession with a view to adopting the necessary conservation measures relating to waters around Malta.
- (2) These measures need to be adopted before accession so as to be applicable from the accession of Malta,

HAS ADOPTED THIS REGULATION:

¹ OJ L 171, 6.7.1994, p. 1. Regulation as last amended by Regulation (EC) No 973/2001 (OJ L 137, 19.5.2001, p. 1).

Article 1

Regulation (EC) No 1626/94 is hereby amended as follows:

- 1) the following Articles shall be inserted:

"Article 8a

25-mile management zone around Malta

1. The access of Community vessels to the waters and resources in the zone extending up to 25 nautical miles from baselines around the Maltese islands (hereinafter "the management zone") shall be regulated as follows:

- (a) fishing within the management zone shall be limited to fishing vessels smaller than 12 metres overall length using other than towed gears;
- (b) the total fishing effort of those vessels, expressed in terms of the overall fishing capacity, shall not exceed the average level observed in 2000-2001 that corresponds to 1 950 vessels with an overall engine power and tonnage of 83 000 kW and 4 035 GT respectively.

2. By way of derogation from point (a) of paragraph 1, trawlers not exceeding an overall length of 24 metres shall be authorised to fish in certain areas within the management zone, as described in Annex V, part (a), to this Regulation, subject to the following conditions:

- (a) the overall fishing capacity of the trawlers allowed to operate in the management zone shall not exceed the ceiling of 4 800 kW;
- (b) the fishing capacity of any trawler authorised to operate at a depth of less than 200 metres shall not exceed 185 kW; the isobath of 200 metres of depth shall be identified by a broken line, the waypoints of which are listed in Annex V, part (b), to this Regulation;
- (c) trawlers fishing in the management zone shall hold a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits¹ and shall be included in a list containing their name, their international registration number and vessel characteristics to be provided to the Commission annually by the Member States concerned;
- (d) the capacity limits laid down in points (a) and (b) shall be periodically re-evaluated, following advice from relevant scientific bodies concerning their effects on the conservation of stocks.

3. If the overall fishing capacity referred to in point (a) of paragraph 2, exceeds the overall fishing capacity of trawlers with an overall length equal to, or less than, 24 metres and operating in the management zone in the reference period 2000-2001 (hereinafter referred to as the "reference fishing capacity"), the Commission shall, in accordance with the procedure laid down in Article 10a, allocate this surplus of available fishing capacity between the Member States taking into account the interest of the Member States requesting an authorisation.

¹ OJ 171, 6.7.1994, p. 7.

The reference fishing capacity shall correspond to 3 600 kW.

4. Special fishing permits for the surplus of available fishing capacity referred to in paragraph 3 shall be issued only to vessels included in the Community fleet register at the date of application of this Article.

5. If the overall fishing capacity of the trawlers authorised to operate in the management zone in accordance with point (c) of paragraph 2 exceeds the ceiling laid down in point (a) of paragraph 2, because that ceiling has been lowered after the revision provided for in point (d) of paragraph 2, the Commission shall allocate fishing capacity between Member States on the following basis:
 - (a) fishing capacity in kW corresponding to vessels having fished in the zone during the period 2000-2001 shall rank first;
 - (b) fishing capacity in kW corresponding to vessels having fished at any other time in the zone shall rank second;
 - (c) any remaining fishing capacity for other vessels shall be divided between the Member States taking into account the interests of the Member States requesting an authorisation.

6. By way of derogation from point (a) of paragraph 1, vessels fishing with purse seines or longlines and vessels fishing for dolphinfish in accordance with Article 8b shall be authorised to operate within the management zone. They shall be granted a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 and shall be included in a list containing their name, their international registration number and vessels characteristics to be provided to the Commission by each Member State.

The fishing effort shall anyhow be controlled in order to safeguard the sustainability of these fisheries in the zone.

7. The master of any trawler authorised to fish in the management zone in accordance with paragraph 2 which is not equipped with VMS shall signal each entry into and exit from the management zone to its authorities and to the authorities of the coastal state.

Article 8b

Dolphinfish fishery

1. It shall be prohibited to fish dolphinfish (*Coriphaena* spp.) within the management zone by fishing aggregating devices (FADs) from 1 January to 5 August each year.

2. The number of vessels participating in the dolphinfish fishery within the zone shall not exceed 130.

3. The Maltese authorities shall establish FAD course lines and allocate each FAD course line to Community fishing vessels at the latest by 30 June each year. Community fishing vessels flying a flag other than that of Malta shall not be authorised to operate a FAD course line within the 12-mile zone.

4. Fishing vessels authorised to participate in dolphinfish fishery shall be granted a special fishing permit in accordance with Article 7 of Regulation (EC) No 1627/94 and shall be included in a list containing their name, their international registration number and vessels characteristics to be provided to the Commission by each Member State.

Notwithstanding the provisions of Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 metres shall be required to have a special fishing permit.";

2) the following Article shall be inserted:

"Article 10a

Implementing rules and amendments

Detailed rules for the implementation of Articles 8a and 8b, in particular, on the criteria to be applied for the establishment and allocation of FAD course lines pursuant to Article 8b(3), shall be adopted in accordance with the procedure referred to in Article 30(2) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹.";

¹ OJ L 358, 31.12.2002, p. 59.

- 3) the text appearing in the Annex to this Regulation shall be inserted after Annex IV.

Article 2

This Regulation shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

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

Done at Luxembourg, 26.4.2004.

For the Council
The President
J. WALSH

ANNEX**"Annex V****25 mile management zone around Maltese Islands**

(a) Authorised trawlable areas to the approaches of the Maltese islands: geographic coordinates

Zone A	Zone H
A1 – 36.0172°N, 14.1442°E	H1 – 35.6739°N, 14.6742°E
A2 – 36.0289°N, 14.1792°E	H2 – 35.4656°N, 14.8459°E
A3 – 35.9822°N, 14.2742°E	H3 – 35.4272°N, 14.7609°E
A4 – 35.8489°N, 14.3242°E	H4 – 35.5106°N, 14.6325°E
A5 – 35.8106°N, 14.2542°E	H5 – 35.6406°N, 14.6025°E
A6 – 35.9706°N, 14.2459°E	
Zone B	Zone I
B1 – 35.7906°N, 14.4409°E	I1 – 36.1489°N, 14.3909°E
B2 – 35.8039°N, 14.4909°E	I2 – 36.2523°N, 14.5092°E
B3 – 35.7939°N, 14.4959°E	I3 – 36.2373°N, 14.5259°E
B4 – 35.7522°N, 14.4242°E	I4 – 36.1372°N, 14.4225°E
B5 – 35.7606°N, 14.4159°E	
B6 – 35.7706°N, 14.4325°E	
Zone C	Zone J
C1 – 35.8406°N, 14.6192°E	J1 – 36.2189°N, 13.9108°E
C2 – 35.8556°N, 14.6692°E	J2 – 36.2689°N, 14.0708°E
C3 – 35.8322°N, 14.6542°E	J3 – 36.2472°N, 14.0708°E
C4 – 35.8022°N, 14.5775°E	J4 – 36.1972°N, 13.9225°E
Zone D	Zone K
D1 – 36.0422°N, 14.3459°E	K1 – 35.9739°N, 14.0242°E
D2 – 36.0289°N, 14.4625°E	K2 – 36.0022°N, 14.0408°E
D3 – 35.9989°N, 14.4559°E	K3 – 36.0656°N, 13.9692°E
D4 – 36.0289°N, 14.3409°E	K4 – 36.1356°N, 13.8575°E
	K5 – 36.0456°N, 13.9242°E
Zone E	Zone L
E1 – 35.9789°N, 14.7159°E	L1 – 35.9856°N, 14.1075°E
E2 – 36.0072°N, 14.8159°E	L2 – 35.9956°N, 14.1158°E
E3 – 35.9389°N, 14.7575°E	L3 – 35.9572°N, 14.0325°E
E4 – 35.8939°N, 14.6075°E	L4 – 35.9622°N, 13.9408°E
E5 – 35.9056°N, 14.5992°E	
Zone F	Zone M
F1 – 36.1423°N, 14.6725°E	M1 – 36.4856°N, 14.3292°E
F2 – 36.1439°N, 14.7892°E	M2 – 36.4639°N, 14.4342°E
F3 – 36.0139°N, 14.7892°E	M3 – 36.3606°N, 14.4875°E
F4 – 36.0039°N, 14.6142°E	M4 – 36.3423°N, 14.4242°E
	M5 – 36.4156°N, 14.4208°E
Zone G	Zone N
G1 – 36.0706°N, 14.9375°E	N1 – 36.1155°N, 14.1217°E
G2 – 35.9372°N, 15.0000°E	N2 – 36.1079°N, 14.0779°E
G3 – 35.7956°N, 14.9825°E	N3 – 36.0717°N, 14.0264°E
G4 – 35.7156°N, 14.8792°E	N4 – 36.0458°N, 14.0376°E
G5 – 35.8489°N, 14.6825°E	N5 – 36.0516°N, 14.0896°E
	N6 – 36.0989°N, 14.1355°E

(b) Geographic coordinates of some way-points along the 200m isobath within the 25-mile management zone

ID	Latitude	Longitude
1	36.3673°N	14.5540°E
2	36.3159°N	14.5567°E
3	36.2735°N	14.5379°E
4	36.2357°N	14.4785°E
5	36.1699°N	14.4316°E
6	36.1307°N	14.3534°E
7	36.1117°N	14.2127°E
8	36.1003°N	14.1658°E
9	36.0859°N	14.152°E
10	36.0547°N	14.143°E
11	35.9921°N	14.1584°E
12	35.9744°N	14.1815°E
13	35.9608°N	14.2235°E
14	35.9296°N	14.2164°E
15	35.8983°N	14.2328°E
16	35.867°N	14.4929°E
17	35.8358°N	14.2845°E
18	35.8191°N	14.2753°E
19	35.7863°N	14.3534°E
20	35.7542°N	14.4316°E
21	35.7355°N	14.4473°E
22	35.7225°N	14.5098°E
23	35.6951°N	14.5365°E
24	35.6325°N	14.536°E
25	35.57°N	14.5221°E
26	35.5348°N	14.588°E
27	35.5037°N	14.6192°E
28	35.5128°N	14.6349°E
29	35.57°N	14.6717°E
30	35.5975°N	14.647°E
31	35.5903°N	14.6036°E
32	35.6034°N	14.574°E
33	35.6532°N	14.5535°E
34	35.6726°N	14.5723°E
35	35.6668°N	14.5937°E
36	35.6618°N	14.6424°E
37	35.653°N	14.6661°E
38	35.57°N	14.6853°E
39	35.5294°N	14.713°E
40	35.5071°N	14.7443°E
41	35.4878°N	14.7834°E
42	35.4929°N	14.8247°E
43	35.4762°N	14.8246°E
44	36.2077°N	13.947°E
45	36.1954°N	13.96°E
46	36.1773°N	13.947°E
47	36.1848°N	13.9313°E
48	36.1954°N	13.925°E
49	35.4592°N	14.1815°E
50	35.4762°N	14.1895°E
51	35.4755°N	14.2127°E
52	35.4605°N	14.2199°E
53	35.4453°N	14.1971°E".

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 April 2004

**on the conclusion of an Agreement between the European Community and
the United States of America on the Mutual Recognition of
Certificates of Conformity for Marine Equipment**

(2004/425/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300, paragraph 2, first subparagraph, first sentence, paragraph 3, first subparagraph, first sentence, and paragraph 4 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement between the European Community and the United States of America on the mutual recognition of certificates of conformity for marine equipment ("Agreement") has been signed, on behalf of the Community, on 27 February 2004 subject to its conclusion.
- (2) The appropriate internal procedures should be established to ensure the good functioning of the Agreement; it is therefore necessary to delegate to the Commission the power to take certain decisions for its implementation.
- (3) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the United States of America on the mutual recognition of certificates of conformity for marine equipment is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to transmit, on behalf of the Community, the note provided for in Article 21(1) of the Agreement.

Article 3

1. The Commission, assisted by the special committee appointed by the Council, shall represent the Community in the Joint Committee provided for in Article 7 of the Agreement and in any Working Group that may be established according to Article 7(4) of the Agreement. The Commission shall proceed, after consultation with the special committee, to the notifications, exchanges of information and requests for information specified in the Agreement.

2. The position of the Community with regard to decisions to be taken by the Joint Committee shall be determined by the Commission, following consultation of the special committee.
3. A decision relating to terminating the Agreement, according to Article 21(3) thereof, shall be taken by the Council, acting by qualified majority on a proposal from the Commission.

Done at Luxembourg, 21 April 2004.

For the Council
The President
J. WALSH

AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND
THE UNITED STATES OF AMERICA ON
THE MUTUAL RECOGNITION OF
CERTIFICATES OF CONFORMITY
FOR MARINE EQUIPMENT

PREAMBLE

The EUROPEAN COMMUNITY, and the UNITED STATES OF AMERICA, hereinafter referred to as "the Parties",

CONSIDERING the traditional links of friendship that exist between the United States of America (US) and the European Community (EC);

DESIRING to facilitate bilateral trade in marine equipment and to increase the effectiveness of each Party's regulatory actions;

RECOGNISING the opportunities offered to regulators by the elimination of unnecessary duplication of their activities;

NOTING the shared commitment of the Parties to the work of the International Maritime Organisation (IMO);

CONSIDERING that the aim of the Parties is enhancing safety at sea and the prevention of marine pollution;

RECOGNISING, on the one hand, that mutual recognition agreements can positively contribute to greater international harmonisation of standards;

BEARING IN MIND, on the other hand, that the determination of equivalence must ensure that the fulfilment of the regulatory objectives of the Parties is fully respected and shall not lead to a lowering of their respective levels of safety and protection;

RECOGNISING that mutual recognition of certificates of conformity based on the equivalence of EC and US marine equipment regulations is an important means of enhancing market access between the Parties;

RECOGNISING that agreements providing for mutual recognition are of particular interest to small and medium-sized businesses in the US and the EC;

RECOGNISING that any mutual recognition also requires confidence in the continued reliability of the other Party's conformity assessments;

BEARING IN MIND that the Agreement on Technical Barriers to Trade, an agreement annexed to the Agreement Establishing the World Trade Organisation (WTO), encourages WTO Members to enter into negotiations for the conclusion of agreements for the mutual recognition of results of each other's conformity assessment procedures, as well as to give positive consideration to accepting as equivalent the technical regulations of other Members, provided they are satisfied that these regulations adequately fulfil the objectives of their own regulations,

HAVE AGREED AS FOLLOWS:

CHAPTER 1

DEFINITIONS AND PURPOSE

ARTICLE 1

Definitions

1. The following terms and definitions shall apply to this Agreement:

- (a) "Regulatory Authority" means a government agency or entity that has the authority to issue regulations regarding issues related to safety at sea and prevention of marine pollution, that exercises a legal right to control the use or sale of marine equipment within a Party's jurisdiction, and that may take enforcement action to ensure that products marketed within its jurisdiction comply with applicable legal requirements. The Parties' respective Regulatory Authorities are identified in Annex III.
- (b) "Conformity Assessment Body" means a legal entity, whether a Regulatory Authority or another body, public or private, that has the authority to issue Certificates of Conformity under a Party's domestic laws and regulations. For purposes of this Agreement, the Parties' respective Conformity Assessment Bodies are those referred to in Article 6.

- (c) "Technical regulations" comprise the mandatory product requirements, testing and performance standards and conformity assessment procedures laid down in the legislative, regulatory and administrative provisions of the Parties related to marine equipment, as well as any applicable guidelines for their application.
- (d) "Certificate of Conformity" means the document or documents issued by a Conformity Assessment Body of a Party certifying that a product fulfils the relevant legislative, regulatory and administrative requirements of that Party. In the US, this is the Certificate of Type Approval issued by the United States Coast Guard. In the EC, they are the certificates, approvals and declarations provided for by Directive 96/98/EC.
- (e) "Equivalence of technical regulations" means that the technical regulations of the Parties related to a specific product are sufficiently comparable to ensure that the objectives of each Party's respective regulations are fulfilled. Equivalence of technical regulations does not require that the respective technical regulations are identical.
- (f) "International Instrument" means the relevant international conventions, resolutions, codes and circulars of the International Maritime Organisation (IMO), and the relevant testing standards.

2. Other terms concerning conformity assessment used in this Agreement shall have the meaning given elsewhere in this Agreement or in the definitions contained in Guide 2 (1996 edition) of the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC). In the event of an inconsistency between ISO/IEC Guide 2 and definitions in this Agreement, the definitions in this Agreement shall prevail.

ARTICLE 2

Purpose of the Agreement

1. This Agreement establishes the conditions under which the importing Party's Regulatory Authority shall accept the Certificates of Conformity issued by the exporting Party's Conformity Assessment Bodies in accordance with the technical regulations of the exporting Party, hereinafter referred to as "mutual recognition".

2. This Agreement also lays down a framework for regulatory cooperation with the objective of maintaining and furthering mutual recognition between the EC and the US of their respective regulatory requirements for marine equipment; of encouraging the improvement and evolution of regulatory requirements for the purpose of enhancing the safety at sea and the prevention of marine pollution; and ensuring a consistent application of this Agreement. This cooperation will take place fully respecting the Parties regulatory autonomy and their evolving policies and regulations as well as their shared commitment to the evolution of the relevant International Instruments.

3. This Agreement is intended to evolve as programs and policies of the Parties evolve. The Parties will review this Agreement periodically, in order to assess progress and identify potential enhancements to this Agreement as US and EC policies evolve over time. Particular attention will also be given to the evolution of the International Instruments.

CHAPTER 2

MUTUAL RECOGNITION

ARTICLE 3

Basic Obligations

1. With respect to each product listed in Annex II, the United States shall accept as complying with its own legislative, regulatory and administrative provisions as referred to in Annex I, without any further conformity assessment, Certificates of Conformity issued by the EC Conformity Assessment Bodies in accordance with the legislative, regulatory and administrative provisions of the EC.
2. With respect to each product listed in Annex II, the European Community and its Member States shall accept as complying with their own legislative, regulatory and administrative provisions as referred to in Annex I, without any further conformity assessment, Certificates of Conformity issued by the US Conformity Assessment Body in accordance with the legislative, regulatory and administrative provisions of the United States.

3. The technical regulations applicable in the US and the EC to each such product within the scope of this Agreement are specified in Annex II.

ARTICLE 4

Equivalence of Technical Regulations

1. The mutual recognition obligations referred to in Article 3 are based on the determination by the Parties that the technical regulations applicable to each product listed in Annex II are equivalent.
2. Determination of equivalence of technical regulations of the Parties shall be based on their implementation of the relevant International Instruments in their respective legislation, regulations and administrative provisions, except where a Party regards the Instrument would be an ineffective or inappropriate means of fulfilment of its regulatory objectives. In the latter case, equivalency shall be determined on a mutually acceptable basis.

ARTICLE 5

Marking

The Parties may maintain their respective requirements with regard to the marking, numbering and identification of products. With respect to the products listed in Annex II, the EC Conformity Assessment Bodies shall have the right to issue the marking and numbering required by the US legislation and regulations, as allocated to them by the US Coast Guard. The US Conformity Assessment Body shall be given the identification number provided for in Directive 96/98/EC, as allocated to it by the Commission of the European Communities, which shall be affixed next to the marking required by that Directive.

ARTICLE 6

Conformity Assessment Bodies

1. For the purpose of issuing Certificates of Conformity in accordance with the provisions of this Agreement, the following shall apply:

- (a) The US recognises the Notified Bodies that have been designated by the EC Member States under Directive 96/98/EC as Conformity Assessment Bodies;

(b) The EC and its Member States recognise the United States Coast Guard together with the laboratories it has accepted under 46 CFR 159.010, as a Conformity Assessment Body.

2. Each Party recognises that the Conformity Assessment Bodies of the other Party are authorised to perform the following procedures in relation to the legislative, regulatory and administrative provisions referred to in Annex I:

(a) testing and issuing of test reports,

(b) performing quality assurance functions or system certification.

3. The Regulatory Authorities of the Parties are responsible for the following procedures, but may delegate some or all of these functions to Conformity Assessment Bodies:

(a) reviewing equipment design and test results against identified standards,

(b) issuing Certificates of Conformity.

4. Prior to the entry into force of this Agreement the Parties shall exchange their respective lists of Conformity Assessment Bodies. The Parties shall inform each other promptly of any changes to their list of Conformity Assessment Bodies. The Parties shall maintain on the World Wide Web updated lists of their Conformity Assessment Bodies.

5. Each Party shall require that its Conformity Assessment Bodies record and retain details of their investigations of the competence and compliance of their sub-contractors and maintain a register of all sub-contracting. These details will be available to the other Party on request.

6. Each Party shall require that its Conformity Assessment Bodies, upon request of a Regulatory Authority of the other Party listed in Annex III, make available to the Regulatory Authorities, copies of the Certificates of Conformity and related technical documentation they have issued.

CHAPTER 3

JOINT COMMITTEE

ARTICLE 7

Joint Committee

1. The Parties hereby establish a Joint Committee consisting of representatives of each Party. The Joint Committee shall be responsible for the effective functioning of this Agreement.
2. Each Party shall have one vote in the Joint Committee. The Joint Committee shall make its decisions by unanimity. The Joint Committee shall determine its own rules of procedure.

3. The Joint Committee may consider any matter relating to the effective functioning of this Agreement. The Joint Committee shall have the authority to take decisions in the cases provided for in this Agreement. The Parties shall take the necessary measures to implement such decisions of the Joint Committee. In particular, the Joint Committee shall be responsible for:

- (a) developing and maintaining the list in Annex II of products and associated legislative, regulatory and administrative provisions that the Parties have determined to be equivalent;
- (b) discussing issues and resolving problems that may arise concerning the implementation of this Agreement, including concerns that technical regulations of the Parties applicable to a specific product in Annex II may no longer be equivalent;
- (c) addressing technical, conformity assessment and technology issues in order to ensure a consistent application of this Agreement, in particular in relation to the relevant International Instruments;
- (d) amending the Annexes;
- (e) providing guidance and, if necessary, developing guidelines to facilitate the successful implementation and application of this Agreement;

(f) establish and maintain a work plan for aligning and harmonising the technical requirements of the Parties;

4. The Joint Committee may establish Joint Working Groups comprised of appropriate Regulatory Authorities' representatives and appropriate experts deemed necessary, in order to address and advise the Joint Committee on specific issues related to the functioning of this Agreement.

CHAPTER 4

REGULATORY COOPERATION

ARTICLE 8

Preservation of Regulatory Authority

Nothing in this Agreement shall be construed to limit the authority of a Party to determine, through its legislative, regulatory and administrative measures, the level of protection it considers appropriate for enhancing safety at sea and improving the prevention of marine pollution, or otherwise act with regard to risks within the scope of this Agreement.

ARTICLE 9

Exchange of Information and Contact Points

1. The Regulatory Authorities of the Parties listed in Annex III will establish appropriate means of exchanging information on any regulatory problems concerning products subject to this Agreement.
2. Each Party shall designate at least one contact point, which may be the Regulatory Authorities listed in Annex III, to provide answers to all reasonable inquiries from the other Party and other interested parties such as manufacturers, consumers, trade unions, regarding procedures, regulations, and other matters related to this Agreement. The Parties shall exchange, and make publicly available, lists of contact points.
3. With regard to the exchange of information and notifications under this Agreement a Party shall have the right to communicate in its official language or languages. If a Party deems that information it receives must be translated into its official language or languages, that Party shall undertake the necessary translation and bear the cost.
4. Each Party agrees to make available to the public its list of products for which it has issued Certificates of Conformity under its respective legislative, regulatory and administrative provisions on the World Wide Web and update it on a regular basis.

ARTICLE 10

Regulatory Changes

1. When a Party introduces new technical regulations related to this Agreement, it shall do so on the basis of existing International Instruments, except when a Party considers the Instrument would be an ineffective or inappropriate means for fulfilment of its regulatory objectives.
2. Each Party shall notify the other Party of changes to technical regulations related to the subject matter of this Agreement at least 90 days before their entry into force. Where considerations of safety, health or environmental protection require more urgent action, a Party shall notify the other Party as soon as practicable.
3. The Parties and their Regulatory Authorities shall inform and consult with one another, as permitted by their respective laws and regulations, on:
 - (a) proposals to amend or introduce new technical regulations as laid down in their respective legislative, regulatory and administrative provisions referred in, or related to, provisions listed in Annexes I and II;
 - (b) timely incorporation of amended or new international instruments into their respective legislation, regulations and administrative provisions; and
 - (c) the renewal of existing and valid Certificates of Conformity when the renewal is required by amended or new legislative, regulatory and/or administrative provisions.

The Parties will provide each other the opportunity to comment on such proposals.

4. In the event of changes to the legislation, regulations, and administrative provisions referred to in Annex I and II, the Joint Committee shall consider whether or not the equivalence of the technical regulations with respect to products listed in Annex II has been maintained.

If it is agreed in the Joint Committee that equivalence is maintained, then the product shall be retained in Annex II.

If it is agreed in the Joint Committee that equivalence cannot be maintained, references to products and the relevant technical regulations for which equivalence cannot be maintained shall be removed from Annex II. The Joint Committee shall update Annex II by a decision to reflect the changes. Upon the discontinuance of mutual recognition, the Parties are no longer bound by the obligations referred to in Article 3 of this Agreement for the specific product. However, the importing Party shall continue to recognize previously issued Certificates of Conformity for products that have been placed on the market of that Party prior to the discontinuance of mutual recognition, unless a Regulatory Authority in the Party decides otherwise based on health, safety or environmental considerations or failure to satisfy other requirements within the scope of this Agreement.

If the Parties, within the Joint Committee, cannot agree on whether or not equivalence of their technical regulations with respect to a product listed in Annex II is maintained, then mutual recognition with respect to that product shall be suspended according to the terms of Article 15.

5. The Parties shall make available on the World Wide Web an up-to-date version of Annex II.

ARTICLE 11

Regulatory Cooperation

1. The Parties agree to cooperate in the IMO and other relevant international organisation such as the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) and the International Telecommunications Union (ITU), with a view to establishing and improving international rules for enhancing the safety at sea and the prevention of marine pollution.
2. The Parties will consider what technical work, data and information exchange, scientific and technological cooperation or other cooperative activities can be pursued between them with a view to improving the quality and level of their technical regulations applicable to marine equipment and making efficient use of resources for regulatory development.
3. For products that are not included in Annex II upon entry into force of this Agreement or for which equivalence of technical regulations has been discontinued or suspended, the Parties undertake to examine their respective technical regulations with a view to establishing, to the extent possible, mutual recognition. The Parties will set out a work program and time-table for alignment of their technical regulations, including the initiation of appropriate international standards work. The Parties shall endeavour to align their technical regulations to the extent possible on the basis of existing International Instruments in pursuit of the objective of their domestic legislation to enhance safety at sea and improve the prevention of marine pollution.

4. When the Parties have determined that equivalence can be established for a product and associated legislative, regulatory and administrative provisions, the Joint Committee shall take a decision to amend Annex II accordingly.

ARTICLE 12

Cooperation on Conformity Assessment

1. The Parties and their authorities responsible for conformity assessment issues shall consult as necessary to ensure the maintenance of confidence in conformity assessment procedures and Conformity Assessment Bodies. This can take the form of, for example, comparison of methods to verify and monitor the technical competence and ability of Conformity Assessment Bodies, and, with the consent of both Parties, joint participation in audits/inspections related to conformity assessment activities or other assessment of Conformity Assessment Bodies.

2. The Parties shall encourage their Conformity Assessment Bodies to take part in coordination and cooperation activities organised by the Parties either separately or jointly.

CHAPTER 5

SURVEILLANCE AND SAFEGUARD MEASURES

ARTICLE 13

Surveillance of Conformity Assessment Bodies

1. The Parties shall ensure that their Conformity Assessment Bodies are capable and remain capable of properly assessing conformity of products or processes, according to the applicable legislation, regulations and administrative provisions. In this regard, the Parties shall maintain, or cause to maintain, ongoing surveillance, as applicable, over their conformity assessment bodies and/or recognised laboratories, by means of regular audit or assessment.

2. In case a Party has objective reasons for contesting the technical competence of a Conformity Assessment Body of the other Party, it shall inform the other Party thereof. Such contestation shall be exercised when justified in an objective and reasoned manner. The other Party shall in a timely manner present information in order to refute the contestation or to correct the deficiencies which form the basis of the contestation. If necessary the matter shall be discussed in the Joint Committee. If agreement cannot be reached on the competency of the Conformity Body, the contesting Party may refuse to grant its marking and/or numbering to the contested Conformity Assessment Body and refuse to recognise the Certificates of Conformity issued by the contested Conformity Assessment Body.

ARTICLE 14

Market Surveillance

1. Nothing in this Agreement shall be construed to limit the authority of a Regulatory Authority to take all appropriate and immediate measures whenever it ascertains that a product may:

- (a) although correctly installed, maintained and used for its intended purpose, compromise the health and/or safety of the crew, the passengers or, where applicable, other persons, or adversely affect the marine environment;
- (b) not meet the legislative, regulatory, or administrative provisions within the scope of the Agreement; or
- (c) otherwise fail to satisfy a requirement within the scope of the Agreement.

Such measures may include withdrawing the products from the market, prohibiting their placement on the market, restricting their free movement, initiating a product recall, and preventing the recurrence of such problems, including through a prohibition on imports. If the Regulatory Authority takes such action, it shall inform the other Party no later than fifteen days after taking such action, providing its reasons for such action.

2. Nothing in this Agreement shall prevent the Parties from removing products from the market that do not in fact conform to a Party's technical regulations.

3. The Parties agree that any applicable border inspections and checks of products which have been certified, labelled or marked as conforming with the importing Party's requirements specified in Annex I shall be completed as expeditiously as possible. With regard to any inspections related to internal movement within their respective territories, the Parties agree that these shall be completed in no less a favourable manner than for like domestic products.

ARTICLE 15

Suspending Mutual Recognition

1. In case a Party considers that equivalence of technical regulations with respect to one or more products listed in Annex II is not being or cannot be maintained, it shall inform the other Party thereof and give the objective reasons for this. Any contestation of equivalence shall be discussed in the Joint Committee. If no decision is reached by the Joint Committee within 60 days of the referral to it the mutual recognition obligation with respect to such products shall be suspended by one or both Parties. The suspension shall remain in effect until agreement has been reached by the Joint Committee.

2. The Joint Committee shall update Annex II by a decision to reflect the suspension of mutual recognition for the products in question. The Parties agree to cooperate according to the terms of Article 11 in view of establishing equivalence again, to the extent possible.

3. Upon suspension of mutual recognition of technical regulations referred to in Annex II the Parties are no longer bound by the obligations referred to in Article 3 of this Agreement for the specific product. However, the importing Party shall continue to recognize previously issued certificates of conformity for products that have been placed on the market of that Party prior to the suspension of mutual recognition, unless a Regulatory Authority in the Party decides otherwise based on health, safety or environmental considerations or failure to satisfy other requirements within the scope of this Agreement.

ARTICLE 16

Alert System

The Parties will put into place a two-way alert system between their Regulatory Authorities in order to inform each other of products that have been found not to comply with applicable technical regulations or can pose an imminent danger to health, safety or the environment.

CHAPTER 6

ADDITIONAL PROVISIONS

ARTICLE 17

Confidentiality

1. Each Party agrees to maintain, to the extent required under its laws, the confidentiality of information exchanged under this Agreement. In particular, neither Party shall disclose to the public, nor permit a Conformity Assessment Body to disclose, information exchanged under this Agreement that constitutes trade secrets, confidential commercial or financial information, or information that relates to an ongoing investigation.
2. A Party or a Conformity Assessment Body may, upon exchanging information with the other Party or with a Conformity Assessment Body of the other Party, designate the portions of the information that it wishes to be exempt from disclosure.
3. Each Party shall take all precautions reasonably necessary to protect information exchanged under this Agreement from unauthorised disclosure.

ARTICLE 18

Fees

Each Party shall endeavour to ensure that fees imposed for services related to the subject matter of this Agreement shall be commensurate with the services provided. Each Party shall ensure that, for conformity assessment procedures covered under this Agreement, it shall charge no fees with respect to conformity assessment services provided by the other Party.

ARTICLE 19

Territorial Application

1. This Agreement shall apply, on the one hand to the territories in which the Treaty establishing the European Community is applied, and under the conditions laid down in that Treaty and, on the other hand, to the territory of the United States.
2. Without prejudice to paragraph 1, this Agreement applies to ships entitled to fly the flag of either Party, or one of the Parties' Member States, operating in international voyages.

ARTICLE 20

Agreements with other Countries

1. Except where there is written agreement between the Parties, obligations contained in mutual recognition agreements concluded by either Party with a party not a signatory to this Agreement (a third party) shall have no force and effect with regard to the other Party in terms of acceptance of the results of conformity assessment procedures in the third party.
2. In view of furthering trade facilitation in marine equipment with other countries, the EC and the US undertake to examine the possibility of establishing a multilateral agreement on the subject matter covered by this Agreement with other interested countries.

CHAPTER 7

FINAL PROVISIONS

ARTICLE 21

Entry into force, amendments and termination

1. This Agreement shall enter into force on the first day of the second month following the date on which the Parties have exchanged letters confirming the completion of their respective procedures for the entry into force of this Agreement.

2. This Agreement may be amended as specified in Article 7 or by the Parties.
3. Either Party may terminate this Agreement by giving the other Party six months notice in writing.
4. Following termination of this Agreement, a Party shall continue to accept the Certificates of Conformity issued by Conformity Assessment Bodies under this Agreement prior to termination, unless a Regulatory Authority in the Party decides otherwise based on health, safety and environmental considerations or failure to satisfy other requirements within the scope of this Agreement.

ARTICLE 22

Final Provisions

1. This Agreement shall not affect the rights and obligations of the Parties under any other international agreement.

2. The Parties will review the functioning of this Agreement on a regular basis, the first time no later than two years after its entry into force.

3. This Agreement is drawn up in two originals in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic. In the event of inconsistencies of interpretation, the English text shall be determinative.

Hecho en Washington D.C., el veintisiete de febrero del dos mil cuatro.

Udfærdiget i Washington D.C. den syvogtyvende februar to tusind og fire.

Geschehen zu Washington D.C. am siebenundzwanzigsten Februar zweitausendundvier.

Έγινε στin Ουάσιγκτον D. C., στις είκοσι εφτά Φεβρουαρίου δύο χιλιάδες τέσσερα.

Done at Washington D.C. on the twenty-seventh day of February in the year two thousand and four.

Fait à Washington D.C., le vingt-sept février deux mille quatre.

Fatto a Washington D.C., addi' ventisette febbraio duemilaquattro.

Gedaan te Washington D.C., de zevenentwintigste februari tweeduizendvier.

Feito em Washington D.C., em vinte e sete de Fevereiro de dois mil e quatro.

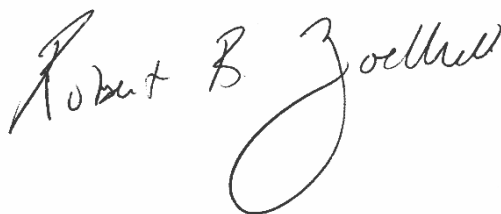
Tehty Washington D.C.:ssä kahdentenäkymmenentenäseitsemäntenä päivänä helmikuuta vuonna kaksituhattaneljä.

Som skedde i Washington D.C. den tjugosjunde februari tjugohundrafyra.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Por los Estados Unidos de América
For Amerikas Forenede Stater
Für die Vereinigten Staaten von Amerika
Για τις Ηνωμένες Πολιτείες της Αμερικής
For the United States of America
Pour les Etats-Unis d'Amérique
Per gli Stati Uniti d'America
Voor de Verenigde Staten van Amerika
Pelos Estados Unidos da América
Amerikan yhdysvaltojen puolesta
På Amerikas förenta staters vägnar



ANNEX I

Legislation, Regulations and Administrative Provisions

- EC legislation, regulations and administrative provisions:

Council Directive 96/98/EC of 20 December 1996 on marine equipment, as amended.

The Parties recognise that the "Guide to the Implementation of Directives Based on the New Approach and Global Approach" provides useful guidelines for the implementation of in particular conformity assessment procedures falling under this Directive.

- US legislation, regulations and administrative provisions:

46 USC. 3306

46 CFR Parts 159 to 165

ANNEX II

Product Coverage For Mutual Recognition

Life saving appliances

Product item identification	Applicable international instruments for construction, performance and testing requirements ¹	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
Lifebuoy self-activating smoke signals (pyrotechnics) Note: Expiration date not to exceed 48 months after month of manufacture.	LSA Code, sections 1.2, and 2.1.3; Recommendation on Testing, Part 1, paragraphs 4.1 to 4.5, and 4.8, and Part 2, section 4; IMO MSC Circ.980, section 3.3.	A.1/1.3	Guidelines for Approval of "SOLAS" Pyrotechnic Devices, October 1998
Rocket parachute flares (pyrotechnics) Note: Expiration date not to exceed 48 months after month of manufacture.	LSA Code, sections 1.2, and 3.1; Recommendation on Testing, Part 1, paragraphs 4.1 to 4.6, and Part 2, section 4; IMO MSC Circ.980, section 3.1.	A.1/1.8	Guidelines for Approval of "SOLAS" Pyrotechnic Devices, October 1998
Hand flares (pyrotechnics) Note: Expiration date not to exceed 48 months after month of manufacture.	LSA Code, sections 1.2, and 3.2; Recommendation on Testing, Part 1, paragraphs 4.1 to 4.5, and 4.7, and Part 2, section 4; IMO MSC Circ.980, section 3.2.	A.1/1.9	Guidelines for Approval of "SOLAS" Pyrotechnic Devices, October 1998
Buoyant smoke signals (pyrotechnics) Note: Expiration date not to exceed 48 months after month of manufacture.	LSA Code, sections 1.2, and 3.3; Recommendation on Testing, Part 1, paragraphs 4.1 to 4.5, and 4.8; and Part 2, section 4; IMO MSC Circ.980, section 3.3.	A.1/1.10	Guidelines for Approval of "SOLAS" Pyrotechnic Devices, October 1998

¹ "LSA Code" refers to the International Life-Saving Appliance Code adopted on 4 June 1996 (IMO Resolution MSC.48(66)).
"Recommendation on Testing" refers to the IMO recommendation on Testing of Life-Saving Appliances adopted on 6 November 1991 (IMO Resolution A.689(17)) as amended on 11 December 1998 (IMO Resolution MSC.81(70)).

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
Line-throwing appliances (pyrotechnics) Note: Expiration date not to exceed 48 months after month of manufacture.	LSA Code, sections 1.2, and 7.1; Recommendation on Testing, Part 1, section 9; and Part 2, section 4; IMO MSC Circ.980, section 7.1.	A.1/1.11	Guidelines for Approval of "SOLAS" Pyrotechnic Devices, October 1998
Rigid liferafts Note: The emergency pack is not covered by the Agreement	LSA Code, sections 1.2, 4.1 and 4.3; Recommendation on Testing, Part 1, paragraphs 5.1 to 5.16, and 5.20; IMO MSC Circ.811; IMO MSC Circ.980, section 4.2; IMO MSC Circ.1006 or other appropriate standard for hull or fire-retardant covering.	A.1/1.13	Rigid Liferaft – Coast Guard (G-MSE-4) Review Checklist, 27 July 1998
Automatically self-righting rigid liferafts Note: The emergency pack is not covered by the Agreement	LSA Code, sections 1.2, 4.1 and 4.3; Recommendation on Testing, Part 1, paragraphs 5.1 to 5.16, and 5.18 to 5.21; IMO MSC Circ.809; IMO MSC Circ.811; IMO MSC Circ.980, section 4.2; IMO MSC Circ.1006 or other appropriate standard for hull or fire-retardant covering.	A.1/1.14	Rigid Liferaft – Coast Guard (G-MSE-4) Review Checklist, 27 July 1998
Canopied reversible rigid liferafts Note: The emergency pack is not covered by the Agreement	LSA Code, sections 1.2, 4.1 and 4.3; Recommendation on Testing, Part 1, paragraphs 5.1 to 5.16, 5.18, and 5.21; IMO MSC Circ.809; IMO MSC Circ.811; IMO MSC Circ.980, section 4.2; IMO MSC Circ.1006 or other appropriate standard for hull or fire-retardant covering.	A.1/1.15	Rigid Liferaft – Coast Guard (G-MSE-4) Review Checklist, 27 July 1998
Float-free arrangements for liferafts (hydrostatic release units)	LSA Code, sections 1.2 and 4.1.6.3; Recommendation on Testing, Part 1, section 11; IMO MSC Circ.980, section 4.3.1;	A.1/1.16	46 CFR 160.062

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations

Release mechanism for (a) Lifeboats and rescue boats and (b) Liferafts Launched by a fall or falls Limited to Davit-launched liferaft automatic release hook	LSA Code, sections 1.2 and 6.1.5; Recommendation on Testing, Part 1, section 8.2; and Part 2, paragraphs 6.2.1 through 6.2.4; IMO MSC Circ.980, section 6.1.3.	A.1/1.26	(Nothing in addition to international instruments)
Marine evacuation systems	LSA Code, sections 1.2 and 6.2; Recommendation on Testing, Part 1, section 12, IMO MSC Circ.980, section 6.2.	A.1/1.27	(Nothing in addition to international instruments)

Fire protection

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
Primary deck coverings	FTP Code Annex 1, Parts 2 & 6, Annex 2; IMO Resolution A.687(17); MSC/Circ. 916; MSC/Circ. 1004.	A.1/3.1	(Nothing in addition to international instruments)
"A" and "B" Class division fire integrity, including: Bulkheads (without windows) Decks Fire doors (with windows no larger than 645 cm ²) Ceilings and linings	SOLAS II-2/3.2; II-2/3.4; FTP Code Annex 1, Part 3, and Annex 2; IMO Resolution A.754 (18); MSC/Circ.916; MSC/Circ.1004; MSC/Circ.1005.	A.1/3.11	(Nothing in addition to international instruments)
Non-combustible materials	SOLAS II-2/3.33; FTP Code Annex 1, Part 1, and Annex 2.	A.1/3.13	(Nothing in addition to international instruments)
Fire doors Limited to fire doors without windows or with total window area no more than 645 cm ² in each door leaf. Approval limited to maximum door size tested. Doors must be used with a fire tested frame design.	SOLAS II-2/9.4.1.1.2, II-2/9.4.1.2.1, and II-2/9.4.2; FTP Code Annex 1, Part 3; IMO Resolution A.754 (18); MSC/Circ. 916; MSC/Circ. 1004.	A.1/3.16	(Nothing in addition to international instruments)
Fire door control systems	SOLAS II-2/9.4.1.1.4; 1994 HSC Code 7.9.3.3; 2000 HSC Code 7.9.3.3; FTP Code Annex 1, Part 4.	A.1/3.17	(Nothing in addition to international instruments)
Surface materials and floor coverings with low flame-spread characteristics Limited to exposed surfaces of ceilings, walls, and floors. Does not apply to pipes, pipe coverings, or cables.	SOLAS II-2/3.29; 1994 HSC Code 7.4.3.4.1 and 7.4.3.6; 2000 HSC Code 7.4.3.4.1 and 7.4.3.6; FTP Code, Annex 1, Parts 2 & 5, and Annex 2; IMO Resolution A.653 (16); ISO 1716 (1973); MSC/Circ. 916, MSC/Circ. 1004 and MSC/Circ. 1008.	A.1/3.18	(Nothing in addition to international instruments)
Draperies, curtains and other suspended textile materials and films	SOLAS II-2/3.40.3; FTP Code Annex 1, Part 7.	A.1/3.19	(Nothing in addition to international instruments)
Upholstered furniture	FTP Code Annex 1, Part 8; IMO Resolution A.652 (16).	A.1/3.20	(Nothing in addition to international instruments)
Bedding components	FTP Code Annex 1, Part 9; IMO Resolution A.688 (17).	A.1/3.21	(Nothing in addition to international instruments)

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
Fire dampers	SOLAS II-2/9.4.1.1.8, and II-2/9.7.3.1.2; FTP Code Annex 1, Part 3; IMO Resolution A.754 (18); MSC/Circ. 916.	A.1/3.22	(Nothing in addition to international instruments)
Penetrations through 'A' class divisions by electric cables, pipes, trunks, ducts etc.	SOLAS II-2/9.3.1; FTP Code Annex 1, Part 3; IMO Resolution A.754 (18); MSC/Circ. 916, and MSC/Circ. 1004.	A.1/3.26	(Nothing in addition to international instruments)
Penetrations through 'B' class divisions by pipes other than steel or copper	SOLAS II-2/9.3.2.1; FTP Code Annex 1, Part 3; IMO Resolution A.754 (18); MSC/Circ. 916, and MSC/Circ. 1004.	A.1/3.27	(Nothing in addition to international instruments)

Navigation equipment

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
Magnetic compass	SOLAS V/19.2.1.1; IMO Resolution A.382 (X); IMO Resolution A.694 (17); ISO 449 (1997), ISO 694 (2000), ISO 1069 (1973), ISO 2269 (1992), IEC 60945 (1996).	A.1/4.1	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.101.
Transmitting magnetic heading device (TMHD)	IMO Resolution MSC 86 (70) annex 2; IMO Resolution A.694 (17); ISO 11606 (2000), IEC 60945 (1996), IEC 61162.	A.1/4.2	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.102.
Gyro compass	IMO Resolution A.424 (XI); IMO Resolution A.694 (17); ISO 8728 (1997), IEC 60945 (1996), IEC 61162.	A.1/4.3	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.103.
Echo-sounding equipment	IMO Resolution A.224 (VII) as amended by IMO Resolution MSC74 (69) Annex 4, IMO Resolution A.694 (17); ISO 9875 (2000), IEC 60945 (1996), IEC 61162.	A.1/4.6	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.107.
Speed and distance measuring equipment (SDME)	1994 HSC Code 13.3.2; 2000 HSC Code 13.3.2; IMO Resolution A.824 (19) as amended by IMO Resolution MSC 96(72); IMO Resolution A.694 (17); IEC 60945 (1996), IEC 61023 (1999), IEC 61162.	A.1/4.7	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.105.
Rate-of-turn indicator	IMO Resolution A.694 (17); IMO Resolution A.526 (13); IEC 60945 (1996), IEC 61162.	A.1/4.9	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.106.
Loran-C equipment	IMO Resolution A.694 (17); IMO Resolution A.818 (19); IEC 61075 (1991), IEC 60945 (1996), IEC 61162.	A.1/4.11	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.135.
Chakya equipment	IMO Resolution A.694 (17); IMO Resolution A.818 (19); IEC 61075 (1991), IEC 60945 (1996), IEC 61162.	A.1/4.12	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.136.
GPS equipment	IMO Resolution A.819 (19), IMO Resolution A.694 (17); IEC 60945 (1996), IEC 61108-1 (1994), IEC 61162.	A.1/4.14	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.130.

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
GLONASS equipment	IMO Resolution MSC 53 (66); IMO Resolution A.694 (17); IEC 61108-2 (1998), IEC 60945 (1996), IEC 61162.	A.1/4.15	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.131.
Heading Control System HCS	SOLAS V/24.1; IMO Resolution A.342 (IX); as amended by IMO Resolution MSC 64 (67) Annex 3; IMO Resolution A.694 (17); ISO 11674 (2000), IEC 60945 (1996), IEC 61162.	A.1/4.16	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.110.
Automatic Radar Plotting Aid (ARPA) (Radar equipment used with ARPA must have separate EU and US certifications.)	IMO Resolution A.823 (19); IMO Resolution A.694 (17); IEC 60872-1 (1998), IEC 61162.	A.1/4.34	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.120.
Automatic Tracking Aid (ATA) (Radar equipment used with ATA must have separate EU and US certifications.)	IMO Resolution MSC 64(67), Annex 4, Appendix 1; IMO Resolution A.694 (17); IEC 60872-2 (1999), IEC 60945 (1996), IEC 61162.	A.1/4.35	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.111.
Electronic Plotting Aid (EPA) (Radar equipment used with EPA must have separate EU and US certifications.)	IMO Resolution MSC 64(67), Annex 4, Appendix 2; IMO Resolution A.694 (17); IEC 60872-3 (2000), IEC 60945 (1996), IEC 61162.	A.1/4.36	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.121.
Integrated bridge system	IMO Resolution MSC.64 (67) Annex 1; IMO Resolution A.694 (17); IEC 61209 (1999), IEC 60945 (1996), IEC 61162.	A.1/4.28	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.140.
Voyage Data Recorder (VDR)	IMO Resolution A.861(20); IMO Resolution A.694 (17); IEC 61996 (2000), IEC 60945 (1996), IEC 61162.	A.1/4.29	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.150.
Gyro compass for high speed craft	IMO Resolution A.821 (19); IMO Resolution A.694 (17); ISO 16328 (2001), IEC 60945 (1996), IEC 61162.	A.1/4.31	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.203.

Product item identification	Applicable international instruments for construction, performance and testing requirements	EC technical regulations, item number indicated in Annex A.1 of Directive 96/98/EC, as amended	US technical regulations
Universal Automatic Identification System equipment (AIS)	IMO Resolution MSC.74 (69) Annex 3; IMO Resolution A.694 (17); ITU R. M. 1371-1 (10/00) IEC 61993-2 (2002), IEC 60945 (1996), IEC 61162	A.1/4.32	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.155. NOTE: In addition, the radio transmitter is required to be authorized by the US Federal Communications Commission
Track control system	IMO Resolution MSC.74 (69) Annex 2; IMO Resolution A.694 (17); IEC 62065 (2002), IEC 60945 (1996), IEC 61162.	A.1/4.33	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.112.
Radar reflector	IMO Resolution A.384 (X); IEC 60945 (1996), ISO 8729 (1997).	A.1/4.39	Navigation and Vessel Inspection Circular NVIC 8-01, enclosure (4), 2/165.160.

ANNEX III

Regulatory Authorities

– European Community

Belgium	Ministère des communications et de l'infrastructure Administration des affaires maritimes et de la navigation Rue d'Arlon 104 B – 1040 Bruxelles Ministerie voor Verkeer en Infrastructuur Bestuur voor Maritieme Zaken en Scheepvaart Aarlenstraat 104 B – 1040 Brussel
Denmark	Søfartsstyrelsen Vermundsgade 38 C DK – 2100 København Ø
Germany	Bundesministerium für Verkehr, Bau- und Wohnungswesen (BMVBW) Invalidenstraße 44 D – 10115 Berlin
Greece	ΥΠΟΥΡΓΕΙΟ ΕΜΠΟΡΙΚΗΣ ΝΑΥΤΙΛΙΑΣ Γρ.Λαμπράκη 150 GR – 185 18 Πειραιας (Ministry of Merchant Marine 150,Gr. Lampraki str. GR – 185 18 Piraeus)
Spain	Ministerio de Fomento Dirección General de la Marina Mercante. C/ Ruíz de Alarcón 1 ES-28071 Madrid
France	Ministère de l'équipement, du transport et du logement Direction des affaires maritimes et des gens de mers 3, place de Fontenoy F-75700 Paris
Ireland	Maritime Safety Division Department of the Marine and Natural Resources Leeson Lane IRL – Dublin 2
Italy	Ministero delle Infrastrutture e dei Trasporti Unità di Gestione del trasporto marittimo Via dell'arte, 16

IT – 00144 – Roma

Luxembourg	Commissariat aux affaires maritimes 26 place de la Gare L-1616 Luxembourg
The Netherlands	Ministerie van Verkeer en Waterstaat Directoraat-Generaal Goederenvervoer (DGG) Directie Transportveiligheid Nieuwe Uitleg 1, Postbus 20904 NL-2500 EX Den Haag
Austria	Bundesministerium für Verkehr, Innovation und Technologie Oberste Schifffahrtsbehörde Abteilung II/20 Radetzkystrasse 2 A-1030 Wien
Portugal	Ministério das Obras Públicas, Transportes e Habitação Palácio Penafiel rua S. Mamede ao Caldas 21 P – 1149-050 Lisboa
Finland	Liikenne- ja viestintäministeriö / kommunikationsministeriet PO Box 235 FIN-00131 Helsinki
Sweden	Sjöfartsverket S-601 78 Norrköping
United Kingdom	Maritime and Coastguard Agency Spring Place 105 Commercial Road UK – Southampton SO15 1EG
Commission of the European Communities	Directorate General for Energy and Transport Maritime Safety Unit 200, rue de la Loi B-1049 Brussels

– United States of America

United States Coast Guard

Office of Design and Engineering Standards (G-MSE)

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