



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION (EC)

**amending for a second time Regulation (EC) No 66/98 laying down certain
conservation and control measures applicable to fishing activities in the
Antarctic**

(presented by the Commission)

EXPLANATORY MEMORANDUM

This proposal concerns the international obligations of the European Community with regard to the conservation of Antarctic marine living resources.

At its annual meeting on 6 November 1998, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted conservation measures applicable to the CCAMLR Convention area for the period 7 November 1998 to 30 November 1999. The purpose of this proposal is to incorporate these recommendations into Community legislation. These measures include:

- the catch restrictions applicable to certain species,
- the prohibition on directed fishing of certain species,
- the reduction of incidental mortality of seabirds during longline fisheries.

These conservation measures will become binding from 9 May 1999 unless the Contracting Parties raise any objections.

The Commission proposes that the Council adopt this Regulation.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 66/98 of 18 December 1997¹ laying down certain conservation and control measures applicable to fishing activities in the Antarctic and repealing Regulation (EC) N° 2113/96, as modified by the Council Regulation (EC) N° 2479/98², and in particular Article 21 thereof,

Having regard to the proposal from the Commission³,

- (1) Whereas Regulation (EC) N° 66/98 implements in Community Law the conservation and control measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources, hereinafter referred to as the "CCAMLR";
- (2) Whereas, at its annual meeting on 6 November 1998, the CCAMLR adopted following advice from its Scientific Committee further conservation measures in the CCAMLR convention area for the period from 7 November 1998 to 30 November 1999;
- (3) Whereas these conservation measures will become binding as from 9 May 1999;
- (4) Whereas the members of CCAMLR have agreed to apply the conservation measures adopted on 6 November 1998, on a provisional basis, without waiting for them to become binding, in view of the fact that some of the conservation measures relate to fishing seasons commencing on or after 7 November 1998;
- (5) Whereas the Community, as a Contracting Party to the Convention, is bound to ensure that the measures adopted by the CCAMLR are applied to fishing vessels flying the flag of a Member State with effect from the dates fixed;

¹ OJ L 6, 10.1.98, p.1.

² OJ L 309, 19.11.98, p. 1

³ OJ

(6) Whereas Regulation (EC) No 66/98 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 66/98 is amended as follows:

1. In Article 2

(a) the following subparagraph shall be added to paragraph 1:

"This special fishing permit, or an authorised copy, must be carried by the fishing vessel and be available for inspection at any time by a designated CCAMLR inspector in the area defined in Article 1".

(b) the following paragraph shall be added after paragraph 1 :

"1bis. Member States must ensure that each vessel flying their flag notifies entry and exit of the Convention Area as well as movements between FAO Antarctic subareas and divisions".

2. Article 4 shall be amended as follows:

(a) in paragraph 3, "6 November 1998" shall be replaced by "30 November 1999".

(b) paragraph 4 shall be replaced by the following:

"4. Directed fishing of *Dissostichus* spp. in FAO Antarctic sub-area 48.5, 88.1, 88.2, 88.3 and FAO Antarctic division 58.4.1 shall be prohibited from 7 November 1998 until 30 November 1999."

(c) in paragraph 6, "7 November 1997 until 6 November 1998" shall be replaced by "7 November 1998 until 30 November 1999".

(d) paragraph 7 shall be replaced by the following

"7. Directed fishing of *D. Mawsoni* in FAO Antarctic sub-area 48.4 and *D. eleginoides* in FAO Antarctic sub-area 58.7 shall be prohibited, except for scientific research purposes in conformity with Article 17."

3. In Article 5:

(a) paragraph 2 shall be replaced by the following:

"2. The TAC of *Dissostichus eleginoides* is fixed at:

(a) 3 500 tonnes in FAO Antarctic sub-area 48.3 from 15 April to 31 August 1999; or until the quantity is reached.

- (b) 28 tonnes in FAO Antarctic sub-area 48.4 from 15 April to 31 August 1999 until the quantity or the TAC specified in (a) is reached whichever is sooner.
- (c) 3 690 tonnes in FAO Antarctic division 58.5.2 from 7 November 1998 to 30 November 1999.
- (d) The Community shares of the TACs of the new and exploratory fisheries for *Dissostichus eleginoides* in the Convention area as well as the allocation of that share among the Member States are laid down in Annex V. These fisheries shall be subject to the general conditions laid down in the Appendix to Annex V.

Member States concerned shall confirm to the Commission their intention to conduct the new or exploratory fisheries in advance of their initiation."

- (c) in paragraph 3, the first subparagraph shall be replaced by the following:

"The TAC of *Champsocephalus gunnari* is fixed at 4 840 tonnes in FAO Antarctic sub-area 48.3 from 7 November 1998 to 31 March 1999."

- (d) paragraph 4 shall be amended as follows:

the words "7 November 1997 to 6 November 1998" in the first and second subparagraphs are replaced by "7 November 1998 to 30 November 1999".

- (e) paragraph 5 (iii) shall be replaced by the following:

"In all directed fishing in FAO Antarctic division 58.5.2 from 7 November 1998 to 30 November 1999:

- the by-catch of *Lepidonotothen squamifrons* may not exceed 80 tonnes,
- the by-catch of *Channichthys rhinoceratus* may not exceed 150 tonnes,

By-catches of all species of fish not referred to in the previous subparagraph and for which no other catch restrictions apply may not exceed 50 tonnes in FAO Antarctic division 58.5.2."

4. Article 8 shall be amended as follows:

- (a) in paragraph 1(i), "1 April 1998" is replaced by "15 April 1999".
- (b) in paragraph 2(i), "31 July to 25 August 1998" is replaced by "31 July to 31 August 1999" and "25 September 1998" is replaced by "25 September 1999".

5. In Article 11(1) and (2), all references to 1998 are replaced by references to 1999.

6. Article 12 shall be amended as follows:
- (a) in paragraph 1:
- (i) in point (a) the words "from 7 November 1997 until 6 November 1998" shall be replaced by "from 7 November 1998 until 30 November 1999" and the words "from 1 April to 31 August 1998" are replaced by "from 15 April to 31 August 1999";
- (ii) in point (b), the words "from 7 November 1997 until 31 March 1998" shall be replaced by "from 7 November 1998 until 31 March 1999";
- (iii) a new point c shall be added:
- "*Champscephalus gunnari* in FAO Antarctic division 58.5.2. from 7 November 1998 until 30 November 1999".
7. In Article 18 the following new paragraph shall be added before the existing one:
- "Annex VI fixes the rules for the Experimental Harvest Regime for the Crab Fishery in FAO Antarctic sub-area 48.3 for the 1998/1999 and the 1999/2000 seasons and the authorized fishing areas".
8. In Article 19:
- (a) in point (a) the words "from 7 November 1997 to 6 November 1998" are replaced by the words "from 7 November 1998 to 30 November 1999".
- (b) in point (b), the words "from 1 April 1997 to 31 August 1998" are replaced by "from 15 April 1998 to 31 August 1999".
- (c) in point (c) the words "from 7 November 1997 to 31 March 1998" are replaced by the words "from 7 November 1998 to 31 March 1999".
- (d) in point (d), the words "from 7 November 1997 until 6 November 1998" are replaced by "from 7 November 1998 until 30 November 1999".
9. Annexes I and II will be inserted after Annex V.

Article 2

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

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

Done at Brussels,

For the Council
The President

ANNEX I

"ANNEX VI"

New and exploratory fisheries projects by Community vessels recommended by CCAMLR for *Dissostichus* spp. in 1999 in the Convention Area.

Sub-Area/Division	Fishing Possibilities	Member State
Division §58.4.3 outside areas of national jurisdiction and North of 60°S	700 tonnes	France
Division §58.4.4 North of 60°S ⁴	143 tonnes 143 tonnes	France Spain
Sub-area §58.6 ⁴	733 tonnes	France

⁴ In the event that another Contracting Party renounces to its intention to undertake a new or exploratory fishery, the Commission will inform the Member State(s) concerned of the additional possibilities available.

Appendix to ANNEX VI

General Measures applicable for New and Exploratory Longline Fisheries for *Dissostichus* spp. in the Convention Area in the 1998/99 season

1. The new and exploratory fisheries may only be conducted by longline and the fishing season shall be 15 April to 31 August 1999.
2. Fishing should take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and effort. To this end, fishing in any fine-scale rectangle⁵ shall cease when the reported catch reaches 100 tonnes and that rectangle shall be closed to fishing for the remainder of the season. Fishing in any fine-scale rectangle shall be restricted to one vessel at any one time.
3. In order to give effect to paragraph 2 above:
 - (i) the precise geographic position of the mid-point between the start and end of the longline shall be determined using appropriate means;
 - (ii) catch and effort information for each species shall be reported in accordance with this regulation and notably Articles 7 to 12;
 - (iii) CCAMLR shall notify Contracting Parties participating in these fisheries when the total longline catch for *Dissostichus eleginoides* and *Dissostichus mawsoni* combined in any fine-scale rectangle exceeds 100 tonnes.
4. The by-catch of any species in the new and exploratory fisheries other than *Dissostichus* spp. in the Statistical Subareas and Divisions concerned shall be limited to 50 tonnes.
5. The total number and weight of *Dissostichus eleginoides* and *Dissostichus mawsoni* discarded, including those with the “jellymeat” condition, shall be reported.
6. Each Community vessel participating in the new and exploratory fisheries for *Dissostichus* spp. during the 1998/99 season shall have on board at least one scientific observer, appointed in accordance with the CCAMLR Scheme of International Scientific Observation, throughout all fishing activities within the fishing season.
7. Data collected for the period up to 31 August 1999 shall be reported to CCAMLR by 30 September 1999.

⁵ A fine-scale rectangle is defined as an area of 0.5° latitude by 1° longitude with respect to the northwest corner of the Statistical Subarea or Division. The identification of each rectangle is by the latitude of its northernmost boundary and the longitude of the boundary closest to 0°.

Data Collection Plan for New and Exploratory Longline Fisheries

1. All vessels will comply with conditions set by CCAMLR. These include five-day catch and effort reporting system (51/XII) and monthly fine-scale effort and biological data reporting system will be followed.
2. All data required by the CCAMLR *Scientific Observers Manual* for finfish fisheries will be collected. These include:
 - (i) haul-by-haul catch and catch per effort by species;
 - (ii) haul-by-haul length frequency of common species;
 - (iii) sex and gonad state of common species;
 - (iv) diet and stomach fullness;
 - (v) scales and/or otoliths for age determination;
 - (vi) by-catch of fish and other organisms; and
 - (vii) observation on occurrence and incidental mortality of seabirds and mammals in relation to fishing operations.
3. Data specific to longline fisheries will be collected. These include:
 - (i) number of fish lost at surface;
 - (ii) number of hooks set;
 - (iii) bait type;
 - (iv) baiting success (%);
 - (v) hook type;
 - (vi) setting, soak, and hauling times;
 - (vii) sea depth at each end of line on hauling; and
 - (viii) bottom type.

ANNEX II
"ANNEX VII"

**EXPERIMENTAL HARVEST REGIME FOR THE CRAB FISHERY IN FAO
ANTARCTIC SUB-AREA 48.3 FOR THE 1998/99 AND 1999/2000 SEASONS**

The following measures apply to all crab fishing within FAO Antarctic sub-area 48.3 for the 1998/99 and 1999/2000 fishing seasons. Every vessel participating in the crab fishery in sub-area 48.3 shall conduct fishing operations in accordance with an experimental fishing regime as outlined below:

1. The experimental regime shall consist of at least two phases. Phase 1 shall be conducted during the first season that a vessel participates in the experimental harvest regime. Phase 2 and any additional phase shall be completed in the next season of fishing.
2. Vessels shall conduct Phase 1 of the experimental regime at the start of their first season of participation in the crab fishery. For the purposes of Phase 1, the following conditions shall apply:

- (i) Phase 1 shall be defined as a vessel's first 200 000 pot hours of effort at the start of its first fishing season;
- (ii) every vessel conducting Phase 1 shall expend its first 200 000 pot hours of effort within a total area delineated by twelve 0.5° latitude by 1° longitude blocks.

These blocks shall be numbered A to L. The appendix of Annex II illustrates the blocks (Figure 1) and the geographic position is denoted by the coordinates of the northeast corner of the block.

For each string, pot hours shall be calculated by taking the total number of pots on the string and multiplying by the soak time (in hours) for that string. Soak time shall be defined for each string as the time between start of setting and start of hauling;

- (iii) vessels shall not fish outside the area delineated by the twelve 0.5° latitude by 1° longitude blocks prior to completing Phase 1;
- (iv) during Phase 1, vessels shall not expend more than 30 000 pot hours in any single 0.5° latitude by 1° longitude block;
- (v) if a vessel returns to port before it has expended 200 000 pot hours in Phase 1, the balance of remaining pot hours shall be expended before the vessel can consider Phase 1 to be completed;
- (vi) after completing 200 000 pot hours of experimental fishing, vessels shall consider Phase 1 to be completed and commence fishing in a normal fashion.

3. Normal fishing operations shall be conducted in accordance with the regulations set out in Articles 3 and 5(4), 6(2) and 8(2).
4. For the purpose of implementing normal fishing operations after Phase 1 of the experimental harvest regime, the Ten-day catch and effort reporting system set out in 7(2) shall apply.
5. Vessels shall conduct Phase 2, and any additional phases, of the experimental harvest regime at the start of their second season of participation in the crab fishery.

If any vessel initiates Phase 1 of the experimental harvest regime during the 1998/99 or 1999/2000 fishing seasons, the CCAMLR Scientific Committee and its Working Group on Fish Stock Assessment, shall advise the CCAMLR on an appropriate experimental harvest strategy, Phase 2, for the following fishing season. This advice shall include provisions for:

- (i) requiring each vessel to expend approximately one month of experimental fishing effort during its second season of participation in the experimental harvest regime;
 - and
 - (ii) a data collection and submission policy appropriate to the experimental fishing strategy that is being recommended.
6. Data collected during the experimental harvest regime in both Phase 1 and Phase 2 up to 30 June in any split-year shall be submitted to the CCAMLR by 31 August of the following split year.
7. Vessels that complete all phases of the experimental harvest regime shall not be required to conduct experimental fishing in future seasons. However, these vessels shall abide by the guidelines set for in Articles 3, 5(4), 6(2) and 8(2).
8. Fishing vessels shall participate in the experimental harvest regime independently (e.g. vessels may not cooperate to complete phases of the experiment).
9. Crabs captured during the experimental regime shall be considered part of the prevailing TAC for the current fishing season [e.g. for 1998/99 and 1999/2000, experimental catches shall be considered part of the 1 600 tonnes TAC outlined in Article 5(4)].
10. All vessels participating in the experimental harvest regime shall carry at least one scientific observer on board during all fishing activities.
11. The experimental harvest regime shall be instituted for a period of two split-years (1998/99 and 1999/2000), and the details of the regime may be revised by the Commission during this period of time.

Fishing vessels that begin experimental fishing in the 1998/99 and 1999/2000 season must complete the regime during the 1999/2000 season.

Appendix attached.

Appendix to ANNEX VII

**LOCATIONS OF FISHING AREAS FOR THE EXPERIMENTAL HARVEST
REGIME OF THE EXPLORATORY CRAB FISHERY**

-53	AA	BB	CC	DD	EE	FF	GG	
-53.5	M	A	B	C	D	E	HH	
-54	N	O	P	Q	F	G	II	
-54.5	R	S	T	U	V	H	I	
-55	W	X	Y	Z	J	K	L	
-55.5	-41	-40	-39	-38	-37	-36	-35	-34

Figure 1: Operations for Phase 1 of the experimental harvest regime for the crab fishery in FAO Antarctic sub-area 48.3.