

COMMISSION REGULATION (EC) No 26/2004
of 30 December 2003
on the Community fishing fleet register

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁾, and in particular Article 15(3) and (4) thereof,

Whereas:

- (1) For the application of the rules of the common fisheries policy, in accordance with Article 15 of Regulation (EC) No 2371/2002, each Member State is required to keep a register of vessels flying its flag and the Commission is required to set up a Community fishing fleet register on the basis of the national registers.
- (2) If it is to be an effective and comprehensive tool for implementing the rules of the common fisheries policy, the Community fishing fleet register should include all Community fishing vessels, including those used exclusively in aquaculture.
- (3) In order to have available the information essential for the management of the capacity of fishing fleets and their activity, the information on vessel characteristics which has to appear in the register for each Member State in accordance with Article 15(1) of Regulation (EC) No 2371/2002 should be identified.
- (4) The definition of the procedures for forwarding to the Commission the data appearing in the register of each Member State is needed to ensure a regular updating of the Community fishing fleet register.
- (5) The characteristics and external markings recorded in the register kept by each Member State should be specified in accordance with Council Regulation (EEC) 2930/86 of 22 September 1986 defining characteristics for fishing vessels ⁽²⁾, as amended by Regulation (EC) No 3259/94 ⁽³⁾, and with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels ⁽⁴⁾.
- (6) The Member States should constantly monitor the quality of the information given in their national registers and ensure that it is checked by the Commission as soon as it is received.
- (7) In order to monitor the movements of vessels between Member States and to ensure an unequivocal link between the information contained in the Community fishing fleet register and the data from other information systems relating to fishing activities, it is important to allocate a unique identification number to each Community fishing vessel, which under no circumstances may be reassigned or altered.
- (8) To ensure the effective application of this Regulation and to simplify data management, the communication tools to be used between Member States and the Commission should be defined.
- (9) It should be stipulated that the Commission is to ensure access by the Member States to all the information in the Community fishing fleet register in compliance with the provisions relating to the protection of personal data set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽⁵⁾.
- (10) In the light of the changes made by Article 15 of Regulation (EC) No 2371/2002 to the method for managing fishing vessel registers, Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community ⁽⁶⁾, as amended by Regulation (EC) No 839/2002 ⁽⁷⁾, should be repealed.
- (11) The measures provided for in this Regulation are in accordance with the opinion of Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Subject

1. This Regulation:
- (a) determines the minimum information on vessel characteristics and activity which must figure in the register which each Member State keeps of the fishing vessels flying its flag (hereinafter called 'the national register');
- (b) lays down the obligations of Member States regarding the collection, validation and transmission of the data from their national register to the Commission;
- (c) lays down the obligations of the Commission regarding the management of the Community fishing fleet register (hereinafter called 'the Community register').

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 274, 25.9.1986, p. 1.

⁽³⁾ OJ L 339, 29.12.1994, p. 11.

⁽⁴⁾ OJ L 132, 21.5.1987, p. 9.

⁽⁵⁾ OJ L 8, 12.1.2001, p. 1.

⁽⁶⁾ OJ L 266, 1.10.1998, p. 27.

⁽⁷⁾ OJ L 134, 22.5.2002, p. 5.

2. The data from the Community register shall serve as reference for the application of the rules of the common fisheries policy.

Article 2

Scope

This Regulation shall apply to all Community fishing vessels, including those used exclusively in aquaculture as defined in point 2.2 of Annex III to Council Regulation (EC) No 2792/1999⁽¹⁾.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

1. 'event': any entry to or exit from the fleet of a vessel or registration or change in one of its characteristics as defined in Annex I;
2. 'transmission': digital transfer of one or more events on the telecommunications network set up between the national administrations and the Commission;
3. 'snapshot': all the events recorded for the vessels comprising the fleet of a Member State between the date of the census referred to in Annex I and the date of transmission;
4. 'personal data': the names and addresses of the agents and owners of fishing vessels.

Article 4

Data collection

Each Member State shall collect without delay the data referred to in Annex II for the Community fishing vessels flying its flag.

Article 5

Recording in the national register

Each Member State shall validate the data collected in accordance with Article 4 and record them in its national register.

Article 6

Periodic transmission

Each Member State shall transmit a snapshot to the Commission on the first working day of March, June, September and December each year.

Article 7

Recording in the Community register

1. On receiving the snapshot, the Commission shall check the data it contains and enter them in the Community register. If no error is detected this snapshot shall replace the previous one.

If errors are detected, the Commission shall send its observations to the Member State which shall make the necessary corrections in its national register and send the Commission a new snapshot within 10 working days of the Commission's notification.

2. After receiving and checking the new snapshot, the Commission shall register or reject it if the snapshot contains errors not compatible with the correct implementation of the common fisheries policy.

If the snapshot accepted still contains errors, they shall be notified to the Member State which shall undertake to correct them forthwith in accordance with the procedure laid down in Article 8.

3. The Community register shall be available to the Member States, in accordance with the rules established by Article 11, some 20 working days after the snapshot's periodic transmission date.

Article 8

Interim transmission

1. Where the implementation of special measures under the common fisheries policy so requires, a Member State, either of its own accord, or at the Commission's request, shall transmit without delay from its national register the updated data for the vessels concerned.

2. The data transmitted must contain for each vessel particulars of all the events from the date of its entry to the fleet up to the transmission date.

3. On receiving the snapshot, the Commission shall check the data and substitute them in the Community register.

Article 9

Communication tools between the Commission and the Member States

1. The transmission of data between the Commission and the Member States shall be managed by means of an IT application developed by the Commission.

2. The Community register and the data concerning the checks and the monitoring of transmissions shall be accessible to the Member States on the Internet.

⁽¹⁾ OJ L 337, 30.12.1999, p. 10.

*Article 10***'CFR' identification number**

The CFR number referred to in Annex I shall identify fishing vessels in a unique way. It shall be included in all transmissions of data between the Member States and the Commission concerning the characteristics and activities of fishing vessels.

The number shall be assigned definitively when a vessel is first registered in a national register. It may not be altered or re-assigned to another vessel.

*Article 11***Access**

1. The Member States shall have access to all the information contained in the Community register on condition that they comply with the provisions relating to the protection of personal data arising from Regulation (EC) No 45/2001, and in particular Article 8 thereof.

2. The public shall have access to a version of the Community register which does not contain personal data.

3. Requests for access to personal data in the Community register shall be dealt with by the Commission in accordance with the provisions of Regulation (EC) No 45/2001.

*Article 12***Repeal**

Commission Regulation (EC) No 2090/98 is hereby repealed.

*Article 13***Entry into force**

This Regulation shall enter into force on 1 September 2004.

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

Done at Brussels, 30 December 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

DEFINITION OF DATA AND DESCRIPTION OF A REGISTRATION

Name of zone	Maximum number of characters	Alignment ⁽¹⁾ L(left)/R(ight)	Definition and comments
Country of registration	3	—	Member State (Alpha—3 ISO code) in which vessel is registered for fishing pursuant to Regulation (EC) No 2371/2002. Always the reporting country.
CFR ⁽²⁾	12	—	(Community fleet register number). Unique identification number of a fishing vessel. Member State (Alpha—3 ISO code) followed by an identifying series (nine characters). Where a series has fewer than nine characters, additional zeros must be inserted on the left hand side.
Event code	3	—	Code identifying the type of event reported. (Table 1)
Date of event ⁽³⁾	8	—	Date (YYYYMMDD) on which event occurred
Licence indicator	1	—	Vessel with a fishing licence according to Regulation (EC) No 3690/93: Y(yes)/N(No)
Registration number	14	L	
External marking	14	L	Pursuant to Regulation (EEC) No 1381/87
Name of vessel	40	L	
Port of registration	5	L	National code ⁽⁴⁾
IRCS indicator	1	—	Vessel with an international radio on board: Y(Yes)/N(No)/U(Unknown) ⁽⁷⁾
IRCS	7	L	(International radio call sign). International radio call sign
VMS indicator	1	—	(Vessel monitoring system) Vessel with a satellite monitoring system in accordance with Article 22 of Regulation (EC) No 2371/2002: Y(yes)/N(No)
Main fishing gear ⁽⁵⁾	3	L	Code of main gear (Table 3)
Subsidiary fishing gear	3	L	Code of subsidiary gear (Table 3)
LOA	6	R	(Length over all) Length over all in metres, defined in accordance with Regulation (EEC) No 2930/86.
LBP	6	R	(Length between perpendiculars) Length between perpendiculars in metres, defined in accordance with Regulation (EEC) No 2930/86.

Name of zone	Maximum number of characters	Alignment ⁽¹⁾ L(eft)/R(ight)	Definition and comments
Tonnage GT	8	R	In GT, defined in accordance with Regulation (EEC) No 2930/86.
Other tonnage ⁽⁶⁾	8	R	In tonnes according to the Oslo Convention or in accordance with a definition to be laid down by the Member State.
GTs ⁽⁶⁾	7	R	In GT, an increase in tonnage permitted on grounds of safety pursuant to Article 11 of Regulation (EC) No 2371/2002.
Power of main engine ⁽⁶⁾	8	R	In kW, in accordance with Regulation (EEC) No 2930/86.
Power of auxiliary engine ⁽⁶⁾	8	R	In kW. Includes all installed engine power not included under the heading 'Power of main engine.'
Hull material	1	—	Code (Table 4)
Year of commissioning	4	—	In accordance with Regulation (EEC) No 2930/86.
Month of commissioning	2	—	In accordance with Regulation (EEC) No 2930/86.
Day of commissioning	2	—	In accordance with Regulation (EEC) No 2930/86.
Segment	3	—	Code (Table 5)
Country of importation/ exportation	3	—	Alpha—3 ISO code for the importing or exporting country.
Type of export	2	—	Code (Table 6)
Code for public aid	2	—	Code (Table 7)
Date of administrative decision	8	—	Date (YYYYMMDD) of the administrative decision referred to in Regulation (EC) No 1438/2003, Article 6.
Segment covered by administrative decision	3	—	Code of MAGP segment to be notified in accordance with Regulation (EC) No 1438/2003.
Year of construction	4	—	
Place of construction	100	L	Free text. Name of shipyard, town and country where hull was built.
Name of vessel agent	100	L	Vessel agent: Natural person: name, first name Legal person: name
Address of vessel agent	100	L	Free text. The address must be sufficiently clear for the agent to be contacted: street, number, box, postal code, town and country.
Indicator of owner	1	—	Vessel of which agent is also owner Y(yes)/N(No)

Name of zone	Maximum number of characters	Alignment ⁽¹⁾ L(eft)/R(ight)	Definition and comments
Name of owner	100	L	Owner of vessel: Natural person: name, first name Legal person: name
Address of owner	100	L	Free text. The address must be sufficiently clear for the owner to be contacted: street, number, box, postal code, town and country.

⁽¹⁾ Relevant information for transmission of data by fixed—length formatting

⁽²⁾ Formerly Internal No.

⁽³⁾ In the case of a fleet census, this is the date of the census in the Member State (Table 2). For all other types of event, the date of the official document recording the event must be notified.

⁽⁴⁾ All national code changes require Commission approval.

⁽⁵⁾ Fishing gear considered to be the one most frequently used on board the vessel for a fishing period of a year or for a fishing campaign.

⁽⁶⁾ Numeric value with two optional decimal places. The separator for the decimal places is the point. No separator accepted for thousands.

⁽⁷⁾ Not valid for all vessels in fleet or reported from 1 January 2003.

Table 1

Code for type of event

Entry to fleet	Census	CEN
	New construction	CST
	Change of activity	CHA
	Intra-Community import, transfer	IMP
Within fleet	Modification	MOD
Exit from fleet	Break-up, shipwreck	DES
	Change of activity	RET
	Intra-Community export, transfer	EXP

Table 2

Date of census fixed by country

BEL, DNK, FRA, GBR, PRT	1.1.1989
NLD	1.9.1989
DEU, ESP	1.1.1990
IRL	1.10.1990
ITA	1.1.1991
GRC	1.7.1991
SWE, FIN	1.1.1995
CYP, EST, LTU, LVA, MLT, POL, SVN	1.5.2004

Table 3

Code for fishing gear

Gear category	Gear	Code	Static (S) or towed gear (T)	Pelagic (P) or demersal (D)
Surrounding nets	Purse seines	PS	T	P
	Lampara nets	LA	T	P
Seines	Beach seines	SB	T	D/P
	Danish seines	SDN	T	D/P
	Scottish seines	SSC	T	D/P
	Pair seines	SPR	T	D/P
Trawls	Beam trawl	TBB	T	D
	Bottom otter trawl	OTB	T	D
	Bottom pair trawls	PTB	T	D
	Midwater otter trawls	OTM	T	D/P
	Pelagic pair trawls	PTM	T	D/P
	Otter twin trawls	OTT	T	D/P
Dredges	Boat dredges	DRB	T	D
	Hand dredges used on board a vessel	DRH	T	D
	Mechanised dredges including suction dredges	HMD	T	D
Lift nets	Boat operated lift nets	LNB	S	P
	Shore operated stationary lift nets	LNS	S	P
Gill nets and entangling nets	Set (anchored) gillnets	GNS	S	D
	Driftnet	GND	S	D/P
	Encircling gillnets	GNC	S	D/P
	Trammel nets	GTR	S	D/P
	Combined trammel and gillnets	GTN	S	D/P
Traps	Pots (traps)	FPO	S	D

Gear category	Gear	Code	Static (S) or towed gear (T)	Pelagic (P) or demersal (D)
Hooks and lines	Hand lines and pole lines (hand operated)	LHP	S	D/P
	Hand lines and pole lines (mechanised)	LHM	S	D/P
	Set longlines	LLS	S	D
	Longlines (drifting)	LLD	S	P
	Troll lines	LTL	T	P
Gear unknown ⁽¹⁾		NK		
No gear ⁽²⁾		NO		

⁽¹⁾ Not valid for all vessels in fleet or reported from 1 January 2003.

⁽²⁾ Valid only for subsidiary fishing gear.

Table 4

Code for hull material

Wood	1
Metal	2
Fibreglass/plastic	3
Other	4
Unknown ⁽¹⁾	5

⁽¹⁾ Not valid for all vessels in fleet or reported from 1 January 2003.

Table 5

Segmentation codes

Date of event before 31.12.2002	MAGP codes		
Date of event from 1.1.2003	Mainland fleet	MFL	
	Outermost region ⁽¹⁾	France	Code MAGP IV
		Portugal	Code MAGP IV
		Spain	CAN1 à CANn
Aquaculture	AQU		

⁽¹⁾ Provisional codes subject to the adoption of a segmentation for the Canary Islands and segmentations different from those of MAGPs IV for the outermost regions of France and Portugal following the adoption of the draft Council regulation on the management of fleets registered in the outermost regions (COM(2003) 175 final).

Table 6

Codes for types of export

Intra-Community export or transfer	EX
Exportation within a joint venture	SM

Table 7

Codes for public aid

Aid not part-financed by the Community	AE
Aid part-financed by the Community pursuant to Regulation (EC) No 2792/1999	AC
No public aid	PA

ANNEX II

DATA TO BE PROVIDED DEPENDING ON THE TYPE OF EVENT DEFINED IN ANNEX I, TABLE I

	Entry to fleet				Within fleet	Exit from fleet		
	CEN	CST	CHA	IMP		MOD	DES	RET
Country of registration	X	X	X	X	X	X	X	X
CFR	X	X	X	X	X	X	X	X
Event code	X	X	X	X	X	X	X	X
Date of event	X	X	X	X	X	X	X	X
Licence indicator ⁽¹⁾	X	X	X	X	X	X	X	X
Registration number	X	X	X	X	X	X	X	X
External marking	X	X	X	X	X	X	X	X
Name of vessel	X	X	X	X	X	X	X	X
Port of registration	X	X	X	X	X	X	X	X
IRCS indicator	X	X	X	X	X	X	X	X
IRCS ⁽²⁾	X	X	X	X	X	X	X	X
VMS indicator ⁽¹⁾	X	X	X	X	X	X	X	X
Main fishing gear	X	X	X	X	X	X	X	X
Subsidiary fishing gear	X	X	X	X	X	X	X	X
LOA ⁽¹⁾ ⁽³⁾	X	X	X	X	X	X	X	X
LBP ⁽³⁾	X	X	X	X	X	X	X	X
Gross tonnage GT ⁽⁴⁾ ⁽⁵⁾	X	X	X	X	X	X	X	X
Other tonnage ⁽⁴⁾	X	X	X	X	X	X	X	X
GTs	X	X	X	X	X	X	X	X
Power of main engine	X	X	X	X	X	X	X	X
Power of auxiliary engine	X	X	X	X	X	X	X	X
Hull material	X	X	X	X	X	X	X	X
Year of commissioning ⁽⁶⁾	X	⁽¹⁾	⁽¹⁾	⁽¹⁾	X	X	X	X
Month of commissioning	X	⁽¹⁾	⁽¹⁾	⁽¹⁾	X	X	X	X
Day of commissioning	X	⁽¹⁾	⁽¹⁾	⁽¹⁾	X	X	X	X
Segment	X	X	X	X	X	X	X	X
Country of importation/exportation	—	—	—	X	—	—	—	X
Type of export ⁽¹⁾	—	—	—	—	—	—	—	X
Code for public aid	—	X	X	X	⁽¹¹⁾	X	X	X
Date of administrative decision ⁽¹²⁾	—	X	X	X	—	—	—	—
Segment covered by administrative decision ⁽¹⁰⁾	—	X	X	X	—	—	—	—

	Entry to fleet				Within fleet	Exit from fleet		
	CEN	CST	CHA	IMP		MOD	DES	RET
Year of construction ⁽⁶⁾	X	X	X	X	X	X	X	X
Place of construction ⁽⁵⁾ ⁽⁸⁾	X	X	X	X	X	X	X	X
Name of agent ⁽⁵⁾ ⁽⁷⁾	X	X	X	X	X	X	X	X
Address of agent ⁽⁵⁾ ⁽⁷⁾	X	X	X	X	X	X	X	X
Indicator of owner	X	X	X	X	X	X	X	X
Name of owner ⁽⁵⁾ ⁽⁸⁾ ⁽⁹⁾	X	X	X	X	X	X	X	X
Address of owner ⁽⁵⁾ ⁽⁸⁾ ⁽⁹⁾	X	X	X	X	X	X	X	X

⁽¹⁾ Data mandatory for all vessels in fleet or reported from 1 January 2003.

⁽²⁾ Field empty if 'IRCS indicator' is 'N'.

⁽³⁾ One of two lengths must be reported for all events before 31 December 2002.

⁽⁴⁾ One of two gross tonnages must be reported for all events before 31 December 2003.

⁽⁵⁾ Data mandatory for all vessels in fleet or reported from 1 January 2004.

⁽⁶⁾ The year of commissioning or of construction must be reported for all events before 31 December 2002.

⁽⁷⁾ Data mandatory for all vessels in fleet or reported from 1 January 2003 with an overall length of not less than 15 metres or a length between perpendiculars of not less than 12 metres.

⁽⁸⁾ Data mandatory for all vessels in fleet or reported from 1 January 2003 with an overall length of not less than 27 metres or a length between perpendiculars of not less than 24 metres.

⁽⁹⁾ Field empty if 'Owner indicator' is 'Y'.

⁽¹⁰⁾ To be completed only for entries to fleet from 1 January 2003 following an administrative decision taken between 1 January 2000 and 31 December 2002.

⁽¹¹⁾ Data mandatory only where an increase in tonnage is authorised on grounds of safety.

⁽¹²⁾ To be completed only for entries to fleet from 1 January 2003 following an administrative decision taken as from 1 January 2000.