

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.9.2006
COM(2006) 485 final

Proposal for a

COUNCIL REGULATION

fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Objectives of the proposal**

The objective of this proposal is to fix, for the commercial most important fish stocks in the Baltic Sea, the fishing opportunities for Member States for 2007.

- **General context**

In accordance with Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, the Common Fisheries Policy shall ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions. An important tool to achieve these objectives is the annual fixing of the fisheries opportunities in the form of total allowable catches (TACs), quotas and fishing effort limits.

With a view to simplification and clarification, the fixing of fishing opportunities in the Baltic Sea was for the first time implemented by a separate Regulation for 2006, Council Regulation (EC) No 52/2006 of 22 December 2005 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks in the Baltic Sea for 2006.

The scientific advice on fishing opportunities in 2007 in the Baltic Sea was delivered by the International Council for the Exploration of the Sea (ICES) in June 2006. On the basis of the scientific advice the Community has discussed the TACs and quotas and associated condition with the Russian Federation within the framework of the new bilateral fisheries agreement, which was initialled in July 2006. This agreement will not formally enter into force until the agreement has been concluded by both Parties, for the Community in the form of a decision of the Council on the basis of a proposal from the Commission. However, the Parties have agreed to establish management measures for shared stocks already from 1 January 2007 based on a provisional application of the agreement [exchange of letters]. The management measures agreed by the Community and the Russian Federation are in accordance with the Common Fisheries Policy.

The proposal contains three sections of importance for the management of the Baltic fisheries in 2007; a section fixing the TACs and quotas, a section limiting the fishing effort and a section laying down associated technical and control measures.

Recent scientific advice from the ICES has indicated that the two cod stocks in the Baltic Sea are suffering from unsustainable exploitation levels. With respect to the Eastern stock, ICES has recommended that no catch should be taken in 2007 and that a recovery plan should be developed and implemented. The objective is therefore to establish a multi-annual plan for the long-term management of the fisheries on the cod stocks in the Baltic Sea to ensure that the exploitation of Baltic cod stocks is in conformity with the overall objective of the Common Fisheries Policy of providing sustainable economic, environmental and social conditions. The Commission has recently presented a proposal for a Council Regulation for such a plan[1].

[1] COM(2006) 411, 24.7.2006.

Measures in the present proposal concerning monitoring, inspection and surveillance in connection with the recovery of the cod stocks in question are in accordance with the measures proposed in the proposal.

- **Existing provisions in the area of the proposal**

The fishing opportunities and the allocation to Member States are subject to the provisions of annual regulations. The latest is the Council Regulation (EC) No 52/2006 of 22 December 2005 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2006.

Of relevance to management of the fisheries in the Baltic Sea is also Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98.

- **Consistency with other policies and objectives of the Union**

The measures proposed are designed in accordance with the objectives of the Common Fisheries Policy and is consistent with the Community's policy on sustainable development.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

The sections on limiting the fishing effort and on laying down associated technical measures are in accordance with the decisions taken in the Council in December 2005 on Council Regulation (EC) No 52/2006 of 22 December 2005 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2006 and have been subject to consultations with the fishing sector, NGO's dealing with fisheries issues in the Baltic Sea, and Member States concerned already in 2005.

The Baltic RAC, which was founded in March 2006, has been preliminarily consulted at its Executive Committee meeting in June 2006. The scientific basis for the proposal was provided by ICES, and DG FISH indicated the rules it would follow for setting the TACs and quotas for 2007. Based on the new calendar for the timing of legislative proposals and decisions outlined in the Communication from the Commission to the Council and the European Parliament COM(2006) 246 of 24 May 2006 on improving consultation on Community fisheries management a formal response of the Baltic RAC could not be given before the presentation of the proposal. However, the preliminary views expressed during the meeting were taken into account.

The state of the two cod stocks were discussed during the meeting. Both cod stocks are overexploited, with the stock in the Eastern Baltic suffering also from reduced reproductive capacity. ICES has recommended a substantial reduction in the fishing on the Western stock to keep the spawning stock biomass (SSB) above precautionary levels and to close the fishery on the Eastern stock following precautionary limits to ensure a recovery to a level within safe biological limits. However, implementing the reduction required to rebuild the Eastern stock within one year would remove the economic basis for the fishing sector and would undermine the management system. DG-Fish had therefore suggested a long-term approach where the

level of fishing is gradually reduced to sustainable levels already in 2005. The approach as well as the TACs following from applying the approach was supported by the sector to that time.

With a view to promoting greater transparency in the consultation process the Commission services have informed the Baltic Sea RAC since the June meeting of the likely approach to be followed in the setting of the TAC for the cod stocks.

Regarding the measures concerning fishing effort and control, the sector, NGOs and Member States have been consulted on several occasions and the elements included in the proposal reflects comments made especially by the fishing sector.

- **Collection and use of expertise**

The Community requests, each year, ICES and the Scientific, Technical and Economic Committee for Fisheries (STECF) for scientific advice on the state of important fish stocks. The advice received covers all Baltic stocks for which TACs are proposed. The proposed TACs are based on the advice but do not necessary follow the advice to the letter. According to the intention of the Commission to ensure the sustainable use of fishery resources while maintaining stability in fishing opportunities, changes in TACs are limited to no more than 15% from one year to the next.

For the cod stocks the proposed TACs reflect a long-term approach whereby the TACs and fishing effort are gradually reduced to sustainable levels over a number of years. In parallel to this proposal the Commission has tabled a proposal for a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks. The central element of the plan is a gradual reduction of fishing effort to long-term sustainable levels that will provide high and stable yields. The proposed TACs do therefore not follow the ICES catch advice to close the Eastern Baltic cod fisheries in order to save these stocks from collapse. They reflect the gradual approach to be applied in the multi-annual plan.

The TAC proposal for the Eastern cod stock is however not set in line with a gradual reduction in fishing effort according to the proposed multi-annual plan due to exceptional circumstances. The poor state of the stock requires stronger measures to be taken in order to prevent further erosion of the stock. Given the current state of the stock the gradual 10% reduction in fishing mortality proposed in the plan would lead to a 26% increase in the TAC. Considering the intention to rebuild the stock and to ensure sustainable exploitation thereafter, the Commission has therefore decided to apply a bigger reduction in fishing mortality which corresponds to a 15% reduction of the TAC and an equivalent reduction of fishing effort for the vessels concerned.

Given the scientific advice for this stock, the Commission will play particular attention to the impact of the proposed reduction on the state of the Eastern cod stock and, in the absence of Council adoption of a long-term management plan for this stock, will be obliged to propose even more stringent measures in future years.

Main organisations/experts consulted

The scientific organisations consulted were the International Council for the Exploitation of the Seas (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF).

- **Impact assessment**

The proposed measures will, if implemented, result in an overall increase in fishing opportunities for Community vessels in the Baltic Sea. The fishing possibilities on sprat and some of the herring stocks will increase and fishermen will face lower quotas only for the cod stocks. The reduction in the TAC for salmon has been based on real catches and is therefore not expected to have an influence on the first hand value of landings. The first hand value of landings from the Baltic is however, assuming unchanged prices, expected to decrease by about 12% in 2007 due to the reduction of the TACs for the cod stocks.

The proposal does not only reflect short term decisions but is also part of a longer term approach whereby the level of fishing is gradually reduced to long-term sustainable levels.

The approach taken in the proposal will therefore in the medium to long term result in reduced fishing effort but stable or increasing quotas. The long-term consequences of the approach are therefore predicted to be reduced impact on the environment as a consequence of the decline in fishing effort, reductions in the catching sector in terms of number of vessels and/or in the average fishing effort per vessel, and unchanged or increased landings.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

The legal basis for this proposal is Council Regulation (EC) No 2371/2002, and in particular Article 20 thereof.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5. ADDITIONAL INFORMATION

- **Detailed Explanation**

The proposal fixes for 2007 the fishing opportunities for Member States fishing in the Baltic Sea.

The TACs and quotas allocated to Member States are given in Annex I. The proposed figures reflect the scientific advice and the framework for setting the TACs and quotas outlined in the Communication from the Commission to the Council and the European Parliament about a Policy Statement from the European Commission on Fishing Opportunities for 2007.

The TACs and quotas for the two cod stocks are closely linked to the fishing effort limits laid down in Annex II as well at the measures concerning monitoring, inspection and surveillance laid down point 2 of Annex III.

The transitional technical measures in Annex III represent important measures concerning the two cod stocks in the Baltic Sea which are suffering from unsustainable exploitation levels. The Commission has presented a proposal for a new Regulation establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, which includes all these measures [COM(2006) 411]. It is expected that the proposal will be adopted by the Council early in 2007.

Proposal for a

COUNCIL REGULATION

fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007

THE COUNCIL OF THE EUROPEAN UNION,

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[2], and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/1996 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas[3], and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries.

(2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunity limits by fishery or group of fisheries and the allocation of these opportunities to Member States.

(3) In order to ensure effective management of the fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

(4) The principles and certain procedures for fishery management need to be laid down at Community level, so that Member States can ensure the management of the vessels flying their flag.

(5) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.

(6) In accordance with Article 2 of Council Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.

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2 OJ L 358, 31.12.2002, p. 59.

3 OJ L 115, 9.5.1996, p. 3.

(7) Fishing opportunities should be used in accordance with the Community legislation on the subject, and in particular with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels[4], Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish[5], Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[6], Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems[7], and Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels[8], Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic[9], and Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound[10].

(8) In order to contribute to the conservation of fish stocks, certain supplementary measures on control and technical conditions of fishing should be implemented in 2007.

(9) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2007. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community,

HAS ADOPTED THIS REGULATION:

CHAPTER I
Scope and definitions

Article 1
Subject matter

This Regulation fixes fishing opportunities for the year 2007 for certain fish stocks and groups of fish stocks in the Baltic Sea and the associated conditions under which such fishing opportunities may be used.

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4 OJ L 132, 21.5.1987, p. 9.
5 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).
6 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).
7 OJ L 333, 20.12.2003, p. 17.
8 OJ L 274, 25.9.1986, p. 1. Regulation as amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).
9 OJ L 365, 31.12.1991, p. 1.
10 OJ L 16, 20.1.2005, p. 184.

Article 2
Scope

1. This Regulation shall apply to Community fishing vessels (Community vessels) and fishing vessels flying the flag of, and registered in, third countries operating in the Baltic Sea.

2. By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

Article 3
Definitions

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

(a) the International Council for the Exploration of the Sea (ICES) zones are as defined in Regulation (EEC) No 3880/91;

(b) "Baltic Sea" means ICES Divisions IIIb, IIIc and IIId;

(c) "total allowable catch (TAC)" means the quantity that can be taken from each stock each year;

(d) "quota" means a proportion of the TAC allocated to the Community, a Member State or a third country.

CHAPTER II
Fishing opportunities and associated conditions

Article 4
Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and additional conditions in accordance with Article 2 of Regulation (EC) 847/96 are set out in Annex I to this Regulation.

Article 5
Special provisions on allocations

1. The allocation of catch limits among Member States as set out in Annex I shall be without prejudice to:

   (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;

(b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;

(c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;

(d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;

(e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

2. For the purpose of withholding quotas to be transferred to 2008, Article 4(2) of Regulation (EC) No 847/96 may apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

Article 6
Conditions for catches and by-catches

1. Fish from stocks for which catch limits are fixed shall only be retained on board or landed if:

(a) the catches have been taken by vessels of a Member State with a quota and that quota has not been exhausted;

(b) the catches form part of a Community share that has not been allocated by quotas among Member States and that has not been exhausted, or

(c) species other than herring and sprat are mixed with other species, the catches have been taken with trawls, Danish seines or similar gears whose mesh size is less than 32 mm, and the catches are not sorted either on board or on landing.

2. All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share, except for catches made under paragraph 1(c).

3. Where the quota for herring allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community, and operating in the fisheries to which the relevant quota apply shall not land catches that are unsorted and that contain herring.

Article 7
Fishing effort limits

Fishing effort limits are set out in Annex II.

Article 8
Transitional technical and control measures

Transitional technical and control measures are set out in Annex III.

CHAPTER III
Final provisions

Article 10
Data transmission

When Member States send data to the Commission relating to landings of quantities of stocks caught pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

Article 11
Entry into force

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

It shall apply from 1 January 2007.

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

Landings limits and associated conditions for year-to-year management of catch limits applicable to Community vessels in areas where catch limits exist by species and by area

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, the allocation to the Member States and associated conditions for year-to-year management of the quotas.

Species:	Herring *Clupea harengus*	Zone:	Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	72 230	Analytical TAC.	
Sweden	15 870	Article 3 of Regulation (EC) No 847/96 applies.	
EC	88 100	Article 4 of Regulation (EC) No 847/96 applies.	
		Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	88 100		

Species:	Herring *Clupea harengus*	Zone:	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	7 359	Analytical TAC.	
Germany	28 966	Article 3 of Regulation (EC) No 847/96 applies.	
Finland	4	Article 4 of Regulation (EC) No 847/96 applies.	
Poland	6 831	Article 5(2) of Regulation (EC) No 847/96 applies.	
Sweden	9 340		
EC	52 500		
TAC	52 500		

Species:	Herring *Clupea harengus*	Zone:	Subdivisions 25-27, 28.2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	2 931	Analytical TAC.	
Germany	777	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	14 967	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	29 215	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	3 693		
Lithuania	3 889		
Poland	33 190		
Sweden	44 556		
EC	133 218		
TAC	147 200		

Species:	Herring	Zone:	Subdivision 28.1
	Clupea harengus		HER/03D.RG
Estonia	15 701	Analytical TAC.	
Latvia	18 299	Article 3 of Regulation (EC) No 847/96 applies	
		Article 4 of Regulation (EC) No 847/96 applies.	
EC	34 000	Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	34 000		

Species	Cod	Zone:	Subdivisions 25-32 (EC-waters)
	Gadus morhua		COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	8 849	Analytical TAC.	
Germany	3 520	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	862	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	677	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	3 290		
Lithuania	2 168		
Poland	10 191		
Sweden	8 965		
EC	38 522		
TAC	41 820		

Species:	Cod	Zone:	Subdivisions 22 –24 (EC waters)
	Gadus morhua		COD/3B23.; COD/3C22.; COD/3D24.
Denmark	10 537	Analytical TAC.	
Germany	5 152	Article 3 of Regulation (EC) No 847/96 applies.	
Estonia	234	Article 4 of Regulation (EC) No 847/96 applies.	
Finland	207	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	872		
Lithuania	565		
Poland	2 819		
Sweden	3 754		
EC	24 140		
TAC	24 140		

Species:	Plaice *Pleuronectes platessa*	Zone:	IIIbcd (EC waters) PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 697	Precautionary TAC.	
Germany	300	Article 3 of Regulation (EC) No 847/96 applies.	
Sweden	203	Article 4 of Regulation (EC) No 847/96 applies.	
Poland	565	Article 5(2) of Regulation (EC) No 847/96 applies.	
EC	3 766		
TAC	Not relevant		

Species:	Atlantic salmon *Salmo salar*	Zone:	IIIbcd (EC waters) excluding Subdivision 32 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	74 808 (1)	Analytical TAC.	
Germany	8 323 (1)	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	7 603 (1)	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	93 280 (1)	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	47 581 (1)		
Lithuania	5 593 (1)		
Poland	22 694 (1)		
Sweden	101 119 (1)		
EC	361 001 (1)		
TAC	368 000 (1)		

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(1) Expressed by number of individual fish.

Species:	Atlantic salmon *Salmo salar*	Zone:	Subdivision 32 SAL/3D32.
Estonia	1 581 (1)	Analytical TAC.	
Finland	13 838 (1)	Article 3 of Regulation (EC) No 847/96 does not apply.	
		Article 4 of Regulation (EC) No 847/96 does not apply.	
EC	15 419 (1)	Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	17 000 (1)		

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(1) Expressed by number of individual fish.

Species:	Sprat *Sprattus sprattus*	Zone:	IIIbcd (EC waters) SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	42 310	Analytical TAC.	
Germany	26 805	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	49 131	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	22 148	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	59 339		
Lithuania	21 465		
Poland	125 927		
Sweden	81 793		
EC	428 918		
TAC	477 000		

ANNEX II

1. Fishing effort limits

1.1. Fishing with trawls, seines or similar gears of a mesh size equal to or greater than 90 mm or with bottom set gillnets, entangling nets and trammel nets of a mesh size equal to or greater than 90 mm or with bottom set lines shall be prohibited:

(a) from 15 March to 14 May in Subdivisions 22-24, and

(b) from 15 June to 14 September in Subdivisions 25–27.

1.2. For vessels flying their flag, Member States shall ensure that fishing with trawls, seines or similar gears of a mesh size equal to or greater than 90 mm or with bottom set gillnets, entangling nets and trammel nets of a mesh size equal to or greater than 90 mm or with bottom set lines shall be prohibited for:

(a) 57 calendar days in subdivisions 22-24 outside the period from 15 March to 14 May, and

(b) 51 calendar days in subdivisions 25–27 outside the period from 15 June to 14 September.

1.3. At the request of the Commission, Member States shall provide a description of the system applied to ensure compliance with point 1.2.

1.4. By way of derogation from points 1.1. and 1.2., Community vessels with an overall length of less than 12 metres shall be permitted to retain on board and land up to 10% cod by live weight when fishing with gillnets, entangling nets and/or trammel nets with a mesh size equal to or greater than 110 mm.

ANNEX III
Transitional technical and control measures

1. Restrictions on fishing

1.1. All fishing activity within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system, is prohibited from 1 May to 31 October:

Area 1:

– 55°45'N, 15°30'E

– 55°45'N, 16°30'E

– 55°00'N, 16°30'E

– 55°00'N, 16°00'E

– 55°15'N, 16°00'E

– 55°15'N, 15°30'E

– 55°45'N, 15°30'E

Area 2:

– 55°00'N, 19°14'E

– 54°48'N, 19°20'E

– 54°45'N, 19°19'E

– 54°45'N, 18°55'E

– 55°00'N, 19°14'E

Area 3:

– 56°13'N, 18°27'E

– 56°13'N, 19°31'E

– 55°59'N, 19°13'E

– 56°03'N, 19°06'E

– 56°00'N, 18°51'E

– 55°47'N, 18°57'E

– 55°30'N, 18°34'E

– 56°13'N, 18°27'E

1.2. By way of derogation from point 1.1., fishing with gillnets, entangling nets and trammel nets with mesh size equal to or greater than 157 mm or with lines shall be permitted. When fishing with lines, no cod shall be retained on board.

2. Monitoring, inspection and surveillance in connection with the recovery of cod stocks in the Baltic Sea

2.1. Special permit for fishing for cod in the Baltic Sea

2.1.1. By way of derogation from Article 1(2) of Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits[11], all Community vessels of an overall length equal to or greater than 8 m carrying on board or using any gear of a mesh size equal to or greater than 90 mm shall hold a special permit for fishing for cod in the Baltic Sea.

2.1.2. A Member State may issue the special permit for fishing for cod referred to in point 2.1.1 only to Community vessels holding in 2005 a special permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1 of Annex III to Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required[12]. However, a Member State may issue a special permit for fishing for cod to a Community vessel, flying the flag of that Member State and registered in the Community, not holding a special fishing permit in 2005 if it ensures that equivalent capacity, measured in kilowatts (kW), is prevented from fishing in the Baltic Sea with any gear of a mesh size equal to or greater than 90 mm.

2.1.3. Each Member State shall establish and maintain a list of vessels holding a special permit for fishing for cod in the Baltic Sea and make it available on its official website to the Commission and other Member States bordering the Baltic Sea.

2.1.4. The master of a Community vessel, or his/her authorised representative, to which a Member State has issued a special permit for fishing for cod in the Baltic Sea shall keep a copy of this permit on board the fishing vessel.

2.2. Logbooks

2.2.1. By way of derogation from Article 6(4) of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[13], the masters of Community vessels of an

[11] OJ L 171, 6.7.1994, p. 7.
[12] OJ L 12, 14.1.2005, p. 1.
[13] OJ L 261, 20.10.1993, p. 1.

overall length equal to or greater than 8 m shall keep a logbook of their operations in accordance with Article 6 of Regulation (EEC) No 2847/93.

2.2.2. For vessels fitted with VMS, Member States shall verify that the information received at the Fisheries Monitoring Centre (FMC) corresponds to activities recorded in the logbook by using VMS data. Such cross-checks shall be recorded in computer-readable form for a period of three years.

2.2.3. Each Member State shall maintain and make available on its official website the contact details for the submission of logbooks, landing declarations and prior notifications as specified in point 2.8. of this Annex.

2.3. Margin of tolerance in the logbook

2.3.1. By way of derogation from Article 5(2) of Regulation (EEC) No 2807/83, the x permitted margin of tolerance in estimating quantities, in kilograms, of fish subject to a TAC that are retained on board vessels shall be 8% of the logbook figure.

2.3.2. For catches which are landed unsorted the permitted margin of tolerance in estimating quantities shall be 8% of the total quantity that are retained on board.

2.4. Electronic Recording and Transmission of Catch Data

2.4.1. By way of derogation from Article 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[14], vessels equipped with VMS may have installed on board operational computerised means, approved by the competent authorities of the flag Member State, for electronic recording and reporting of information relating to fishing activities which is required to be recorded in a logbook.

2.4.2. The vessels referred to in point 2.4.1. shall transmit all the information recorded relating to fishing activities which is required to be recorded in a logbook to the FMC of the flag Member State. The FMCs of the flag Member States shall ensure that such data are recorded in a computer readable form and kept for a period of three years.

2.4.3. Member States shall ensure that its FMC receives the information referred to in point 2.4.2. at least on a daily basis or, if the FMC requires so on a shorter time intervals.

[14] OJ L 276, 10.10.1983, p. 1. Regulation as last amended by Regulation (EC) No 1804/2005 (OJ L 290, 4.11.2005, p. 10).

2.4.4. The flag Member States shall transmit the information received in accordance with point 2.4.2. to the FMC of the Coastal State on a daily basis during the time their fishing vessels are in the waters of that Coastal State. The FMC of the Coastal State may decide to require the information at shorter time intervals.

2.5. Recording of Fishing Effort Data

2.5.1. Fishing vessels shall transmit the information provided for in Article 19b of Regulation (EEC) No 2847/93 to the FMC of the flag Member State and include it in its computerised database as referred to in Article 13 of Commission Regulation (EC) No 2244/2003.

2.5.2. Article 19b of Regulation (EEC) No 2847/93 shall not apply to vessels equipped with VMS.

2.6. Monitoring and Control of Fishing Effort

2.6.1. The competent authorities of the flag Member State shall monitor and control the compliance with:

(a) fishing effort limits provided for in Annex II, points 1.1. and 1.2.

(b) restrictions on fishing provided for in point 1 of this Annex.

2.6.2. Each Member State shall establish and maintain a list of vessels subject to the provisions of Annex II, points 1.1. and 1.2. to this Regulation by 31 January of each year and make it available on its official website. The list shall contain the number of calendar days used by each vessel in the areas defined in Annex II, points 1.1. and 1.2.

2.6.3. The list, referred to in point 2.6.2, shall be up-dated on a daily basis to reflect the days used by each vessel.

2.7. Entry Into or Exit from Specific Areas

2.7.1. A fishing vessel may commence fishing activity in Community waters in either Sub-divisions 22-24 (Area A) or Subdivision 25-27 (Area B) with less than 100 kg of cod on board.

2.7.2. When a fishing vessel exits from either Area A, B or Subdivision 28-32 (Area C) with more than 100 kg of cod on board, it shall:

(a) go directly to port within the Area it has been fishing and land the fish, or

(b) go directly to port outside the Area where it has been fishing and land the fish.

(c) When leaving the Area where the vessel has been fishing, the nets shall be stowed in accordance with the following conditions so that they may not readily be used:

(i) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes,

(ii) nets which are on or above deck shall be securely lashed to some part of the superstructure.

2.8. Prior notification

2.8.1. The master of a Community fishing vessel leaving Subdivision 22-24 (Area A), Subdivision 25-27 (Area B) or Subdivision 28-32 (Area C) with more than 300 kg of cod on board shall notify the competent authorities of the flag Member State two hours before leaving the Area of:

(a) the time and position of exit,

(b) the quantities of species in live weight for all catches retained on board.

Vessels subject to point 2.4. of this Annex shall be exempt from this obligation.

2.8.2. The notification provided for in point 2.8.1. may also be made by a representative of the master of the Community fishing vessel.

2.8.3. By way of derogation from Article 7(1) of Regulation (EEC) No 2847/93, the master, or his authorised representative, of a Community vessel retaining more than 300 kg live weight of cod shall inform the competent authorities of the Member State where the landing will take place at least one hour prior to an entry into a landing location of:

(a) the name of the landing location,

(b) the estimated time of arrival at the landing location,

(c) the quantities of species in live weight for all catch retained on board.

2.9. Designated ports

2.9.1. When a vessel retains more than 750 kilograms of cod live weight, the cod may be landed exclusively at designated ports.

2.9.2. Each Member State may designate ports at which any quantity of Baltic cod in excess of 750 kilograms is to be landed.

2.9.3. Within 15 days of the date of entry into force of this Regulation, each Member State that has established a list of designated ports, shall maintain and make available on its official website a list of designated ports.

2.10. Weighing of cod first landed

2.10.1. Fishing vessels with more than 100 kg of cod on board shall not commence discharging until authorised by the competent authorities of the place of discharge.

2.10.2. The competent authorities of a Member State may require that any quantity of cod caught in the Baltic Sea and landed in that Member State is weighed in the presence of controllers before being transported elsewhere from the port of landing.

2.11. Inspection Benchmarks

Each Member State of the Baltic Sea shall set specific inspection benchmarks. Such benchmarks shall be revised periodically after an analysis has been made of the results achieved. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Appendix 1 are reached.

2.12. Prohibition on transiting and transhipping

2.12.1. Transit within areas closed for cod fishing is prohibited unless fishing gear on board is securely lashed and stowed in accordance with point 2.7.2(c).

2.12.2. The transhipment of cod shall only take place in a port designated for transhipment by the competent authorities.

2.13. Transport of Baltic cod

By way of derogation from Article 8(1) of Regulation (EEC) No 2847/93 the master of a fishing vessel having an overall length equal to or more than 8 metres, shall complete a landing declaration when fish is transported to a place other than that of landing or import.

The landing declaration shall accompany the transport documents provided for in Article 13(1) of Regulation (EEC) No 2847/93.

2.14. Joint surveillance and exchange of inspectors

2.14.1. Member States concerned shall undertake joint inspection and surveillance activities and shall establish joint operational procedures to that effect.

2.14.2. Member States engaged in joint inspection and surveillance activities shall ensure that inspectors from each of the participating Member States are invited to partake at least in these activities.

2.14.3. Commission inspectors may participate in these joint inspection and surveillance activities.

2.14.4. A meeting of the competent national inspection authorities shall be convened by the Community Fisheries Control Agency (AFCA) before 15 November 2007 to coordinate the joint inspection and surveillance programme for 2008.

2.15. National control action programmes

2.15.1. Each of the Member States concerned shall define a national control action programme for the Baltic Sea in accordance with Appendix 2.

2.15.2. Each of the Member States concerned shall set specific inspection benchmarks in accordance with Appendix 1. Such benchmarks shall be revised periodically after an analysis has been made of the results achieved. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Appendix 2 are reached.

2.15.3. Before 31 January 2007, each of the Member States concerned shall make available to the Commission and other Member States bordering the Baltic Sea on its official website their national control action programmes as referred to in point 2.15.1, together with an implementation schedule.

2.15.4. The Commission shall convene a meeting of the Committee for Fisheries and Aquaculture to evaluate compliance with and the results of the national control action programmes for cod stocks in the Baltic Sea.

2.16. Specific monitoring programme

2.16.1. By way of derogation from Article 34c(1), subparagraph 4, of Regulation (EEC) No 2847/93, the specific control and inspection programme for the cod stocks concerned may last for more than three years.

Appendix 1 to Annex III

Specific inspection benchmarks

Objective

1. Each Member State shall set specific inspection benchmarks in accordance with this Annex.

Strategy

2. Inspection and surveillance of fishing activities shall concentrate on vessels likely to catch cod. Random inspections of transport and marketing of cod shall be used as a complementary cross-checking mechanism to test the effectiveness of inspection and surveillance.

Priorities

3. Different gear types shall be subject to different levels of prioritisation, depending on the extent to which the fleets are affected by fishing opportunity limits. For that reason, each Member State shall set specific priorities.

Sampling

4. Each Member States shall specify and describe which sampling strategy will be applied.

   The Commission can have access on request to the sampling plan used by the Member State.

Target benchmarks

5. Not later than one month from the date of entry into force of this Regulation, each Member State shall implement its inspection schedules taking account of the targets set out below.

   a. Level of inspection in ports

   As a general rule, the accuracy to be achieved should be at least equivalent to what would be obtained by a simple random sampling method, where inspections shall cover 20% by weight of cod landings covering all places of landing.

   b. Level of inspection of marketing

   Inspection of 5% of the quantities of cod offered for sale at auction.

   c. Level of inspection at sea

   Flexible benchmark: to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer the number of patrol days at sea in the cod management areas, possibly with a separate benchmark for days patrolling specific areas.

d. Level of aerial surveillance

Flexible benchmark: to be set after a detailed analysis of the fishing activity conducted in each area and taking the available resources at the Member State's disposal into consideration.

Appendix 2 to Annex III

Contents of national control action programmes

National control action programmes shall, *inter alia*, specify the following.

1. Means of control

Human resources

1.1. The numbers of shore-based and seagoing inspectors and the periods and zones where they are to be deployed.

Technical resources

1.2. The numbers of patrol vessels and aircraft and the periods and zones where these are to be deployed.

Financial resources

1.3. The budgetary allocation for deployment of human resources, patrol vessels and aircraft.

2. Electronic recording and reporting of information relating to fishing activities

Description of the systems implemented to ensure compliance with Points 2.4., 2.5., 2.6. and 2.8. of Annex III.

3. Designation of ports

Where relevant, a list of ports designated for cod landings in accordance with point 2.9. of Annex III.

4. Notification of entry and exit

Description of the systems implemented to ensure compliance with the provisions in point 2.7. of Annex III.

5. Landings control

Description of any facilities and or systems implemented to ensure compliance with the provisions in points 2.2., 2.3., 2.10., 2.12., and 2.13. of Annex III.

6. Inspection procedures

The national control action programmes shall specify the procedures that will be followed:

(a) when conducting inspections at sea and on land;

(b) for communicating with the competent authorities designated by other Member States as responsible for the national control action programme for cod;

(c) for joint surveillance and exchange of inspectors, including specification of powers and authority of inspectors operating in other Member States' waters.