

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.11.2005
COM(2005) 598 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 2006

(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 2006.

- **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. The fishing opportunities have until this year been implemented by a single Council Regulation (so-called TAC and quota Regulation). However, in the contents of simplification and clarification, the fixing of fishing opportunities for 2006 is proposed implemented by two separate Regulations, one covering the Baltic Sea and one all other areas.

The scientific advice on fishing opportunities in 2006 in the Baltic Sea was delivered by the International Council for the Exploration of the Sea (ICES) in June. On the basis of the scientific advice the Community discussed in September the TACs and quotas and associated condition with the Russian Federation within the framework of the International Baltic Sea Fishery Commission (IBSFC). The recommendations on TACs and the allocation to the two Parties adopted by the IBSFC reflect the discussion and are in accordance with the Common Fisheries Policy.

The enlargement of the Community in 2004 left in reality the IBSFC with only two Parties, the Community and Russia. The Community has withdrawn from the IBSFC and the organisation will in practise cease to exist by the end of 2005. The recommendations adopted by IBSFC are therefore not binding to the Community after 2005. However, there are no reasons for not following the recommendations and the TACs and quotas presented in this proposal reflect the IBSFC recommendations.

The proposal covers three sections of importance for the management of the Baltic fisheries in 2006. A section fixing the TACs and quotas, a section limiting the fishing effort and a section laying down associated technical and control measures.

- **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 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 water and, for Community vessels, in

waters where catch limitations are required. Of relevance to management of the fisheries in the Baltic Sea is also Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound.

- **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 developments.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

All three main elements of the proposal have been subject to consultations with the Fishing sector, NGO's dealing with fisheries issues in the Baltic Sea, and Member States concerned.

The fishing sector and the NGO's were consulted on the TACs and quotas at a workshop organised by the DG-Fish in Brussels on 23 February. The scientific basis for the proposal was presented by ICES and DG-Fish explained its position on the level of TACs and quotas for 2006. There was general support to DG-Fish's position although the fishing sector argued for a somewhat higher TAC for sprat than advised by ICES.

The main discussion was on the TACs for the two cod stocks. Both cod stocks are overfished and especially the stock in the eastern Baltic are exploited at unsustainable levels. ICES has recommended a substantial reduction in the fishing on the two stocks to ensure a recovery of the stocks to levels within safe biological limits. Implementing the reduction required to rebuild the stocks 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. The approach as well as the TACs following from applying the approach was supported by the sector.

Member States were consulted in the margin of the IBSFC meeting in September and all Member States concerned expressed their support to the TACs suggested by the Commission.

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 be 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. For the sprat stock the proposed TAC is set above the level advised by scientists. The recommendation from ICES corresponds to a substantial reduction in the TAC. In accordance with the general policy of reducing the year to year variation in the fishing possibilities the proposed TAC reflects a smaller reduction than recommended by ICES. According to the predictions made by ICES the stock is in a healthy state and can sustain the proposed TAC.

For the cod stocks the proposed TACs reflects a long-term approach whereby the TACs and fishing effort is gradually reduced to sustainable levels over a number of years. In parallel to this proposal the Commission will table a proposal for a long-term management plan for the fisheries on the cod stocks in the Baltic Sea. 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 but reflect the gradual approach to be applied in the long-term management plan.

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 cod and some of the herring stocks will increase and only for the sprat stock the fishermen will face lower quotas. The first hand value of landings from the Baltic is therefore, assuming unchanged prices, expected to increase in 2006.

The proposal does not only reflect a 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 2006 the fishing opportunities for Member States fishing in the Baltic Sea. The proposal furthermore introduces transitional technical and control measures to be applied in 2006.

The TACs and quotas allocated to Member States are given in Annex I. The proposed figures reflect the scientific advice and the recommendations adopted by IBSFC at its meeting in September 2005.

The TACs and quotas for the two cod stocks are closely linked to the fishing effort limits laid down in Annex II and point 5 of Annex III. The TACs are only acceptable if the restrictions in periods where cod fishing is allowed proposed in Annex II and the associated control measures in point 5 of Annex III are adopted.

The transitional technical measures in Annex III (except point 8) represent important measures currently not included in the technical measures regulation for the Baltic Sea (Council Regulation (EC) No 88/98). The Commission has presented proposal for a new technical measures regulation which include all these measures. It is expected that the proposal will be adopted by the Council in November. In that case the technical provisions in Annex III can be deleted from this proposal.

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 2006

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[1], 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[2], 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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1 OJ L 358, 31.12.2002, p. 59.
2 OJ L 115, 9.5.1996, p. 3.

(7) Article 2 of Regulation (EC) No 1434/98 of 29 June 1998 specifying conditions under which herring may be landed for industrial purposes other than direct human consumption[3], does not ensure that the catches of herring are limited to the catch limits fixed for the species. It is therefore necessary to introduce transitional measures ensuring an appropriate monitoring and counting of herring in unsorted landings. With such measures in place it is not necessary to maintain the provisions laid down in the said Regulation.

(8) 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], Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound[7], Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems[8], and Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels[9], 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[10].

(9) In order to contribute to the conservation of fish stocks, certain supplementary measures on control and technical conditions of fishing should be implemented in 2006.

(10) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2006. 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,

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3 OJ L 191, 7.7.1998, p. 10.
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 9, 15.1.1998, p. 1. Regulation as last amended by Regulation (EC) No 812/2004 (OJ L 150, 30.4.2004, p. 12).
8 OJ L 333, 20.12.2003, p. 17.
9 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).
10 OJ L 365, 31.12.1991, p. 1.

HAS ADOPTED THIS REGULATION:

CHAPTER I
Scope and definitions

Article 1
Subject matter

This Regulation fixes fishing opportunities for the year 2006 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.

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 2007, 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
Unsorted landings

1. Member States shall ensure that an adequate sampling programme allowing effective monitoring of unsorted landings by species is in place.

2. Unsorted catches shall be landed only at ports and landing locations where a sampling programme as referred to in paragraph 1 is in place.

Article 8
Landing of herring for industrial purposes

Regulation (EC) No 1434/98 shall not apply to the Baltic Sea

Article 9
Fishing effort limits

Fishing effort limits are set out in Annex II.

Article 10
Transitional technical and control measures

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

CHAPTER III
Final provisions

Article 11
Sale of marine organisms caught for scientific purposes

Marine organisms caught for the purpose of scientific investigations in accordance with Article 2(2) may be sold, stored, displayed and offered for sale provided that:

(a) the fishing opportunities laid down in Annexe I , are not exhausted, or

(b) they are sold directly for purposes other than human consumption.

Article 12
Data transmission

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

Article 13
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 2006.

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	75 099	Analytical TAC.	
Sweden	16 501	Article 3 of Regulation (EC) No 847/96 applies.	
EC	91 600	Article 4 of Regulation (EC) No 847/96 applies.	
		Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	91 600		

Species:	Herring *Clupea harengus*	Zone:	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	6 658	Analytical TAC.	
Germany	26 207	Article 3 of Regulation (EC) No 847/96 applies.	
Finland	3	Article 4 of Regulation (EC) No 847/96 applies.	
Poland	6 181	Article 5(2) of Regulation (EC) No 847/96 applies.	
Sweden	8 451		
EC	47 500		
TAC	47 500		

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	2 548	Analytical TAC.	
Germany	676	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	13 015	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	25 404	Article 5(2) of Regulation (EC) No 847/96 applies	
Latvia	3 212		
Lithuania	3 382		
Poland	28 861		
Sweden	38 744		
EC	115 842		
TAC	128 000		

Species:	Herring *Clupea harengus*	Zone:	Subdivision 28.1 HER/03D.RG
Estonia	18 472	Analytical TAC.	
Latvia	21 528	Article 3 of Regulation (EC) No 847/96 applies Article 4 of Regulation (EC) No 847/96 applies.	
EC	40 000	Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	40 000		

Species	Cod *Gadus morhua*	Zone:	Subdivisions 25-32 (EC-waters) COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	11 307	Analytical TAC.	
Germany	4 498	Article 3 of Regulation (EC) No 847/96 does not apply	
Estonia	1 102	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	865	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	4 204		
Lithuania	2 770		
Poland	13 019		
Sweden	11 455		
EC	45 339		
TAC	49 220		

Species:	Cod *Gadus morhua*	Zone:	Subdivisions 22 –24 (EC waters) COD/3B23.; COD/3C22.; COD/3D24.
Denmark	12 395	Analytical TAC.	
Germany	6 061	Article 3 of Regulation (EC) No 847/96 applies	
Estonia	275	Article 4 of Regulation (EC) No 847/96 applies.	
Finland	244	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	1 026		
Lithuania	665		
Poland	3 317		
Sweden	4 417		
EC	28 400		
TAC	28 400		

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	93 512 (1)	Analytical TAC.	
Germany	10 404 (1)	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	9 504 (1)	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	116 603 (1)	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	59 478 (1)		
Lithuania	6 992 (1)		
Poland	28 368 (1)		
Sweden	126 400 (1)		
EC	451 260 (1)		
TAC	460 000 (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)		

(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	41 512	Analytical TAC.	
Germany	26 299	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	48 204	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	21 730	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	58 219		
Lithuania	21 060		
Poland	123 552		
Sweden	80 250		
EC	420 826		
TAC	468 000		

ANNEX II
Fishing effort limits

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 25–32.

2. 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 from 23.00 hours UTC on each Saturday to 23.00 hours UTC on the following Sunday:

   (a) from 1 January to 14 March and from 15 May to 30 October in Subdivisions 22-24, and

   (b) from 1 January to 14 June in Subdivisions 25–32 .

ANNEX III
Transitional technical and control measures

1. Conditions for certain gear authorised for cod fishing in the Baltic Sea

1.1. Towed nets

1.1.1. Structure of nets

By way of derogation from Annex IV to Regulation (EC) No 88/98, trawls, Danish seines and similar nets of a mesh size equal to or greater than 105 mm shall be equipped with a Bacoma exit window or with a T90 codend and extension piece of a mesh size and specifications as laid down in Appendix 1.

1.1.2. One-net rule

When a trawl, Danish seine or similar net with a Bacoma exit window or a T90 codend and extension piece is used, no other type of gear shall be kept on board.

1.2. Gillnets

1.2.1 By way of derogation from Annex IV to Regulation (EC) No 88/98, the minimum mesh size for gillnets shall be 110 mm.

1.2.2. Gillnets shall not exceed a maximum length of 12 km for Community vessels of an overall length of up to and including 12 m.

1.2.3. Gillnets shall not exceed a maximum length of 24 km for Community vessels of an overall length of more than 12 m.

1.2.4. The soaking time of gillnets shall not exceed 48 hours from the time the nets are first put in the water to the time when they are fully recovered on board the Community vessel.

2. By-catches of cod in the Baltic Sea

2.1. By way of derogation from Article 3(4) of Regulation (EC) No 88/98, no undersized cod may be kept on board, except as referred to in point 2.2.

2.2. By way of derogation from Article 3(5) of Regulation (EC) No 88/98, by-catches of cod taken when fishing for herring and sprat with nets of a mesh size of 32 mm or smaller shall not exceed 3% by weight. Of such by-catches, no more than 5% of undersized cod shall be kept on board.

2.3. By-catches of cod may not exceed 10% when fishing for other species than herring and sprat with trawls and Danish seines other than as referred to in point 1.1.2.

3. Minimum size for cod in the Baltic Sea

By way of derogation from Annex III to Regulation (EC) No 88/98, the minimum size for cod shall be 38 cm.

4. Restrictions on fishing

4.1. 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:

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

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

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

5.1.1. 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.

5.1.2. A Member State may issue the special permit for fishing for cod referred to in point 5.1.1 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.

5.1.3. 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.

5.1.4. 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.

5.2. Notification of entry or exit

5.2.1. When a Community vessel retaining cod in excess of 50 kg leaves or enters Subdivisions 22-24, the master or his/her authorised representative shall notify the authorities of the flag Member State of the date, time, position of exit or entry and quantities live weight by species for all catches retained on board. No new fishing activity can commence until all catches of cod have been landed.

5.2.2. When a Community vessel retaining cod in excess of 50 kg leaves or enters Subdivisions 25-32, the master or his/her authorised representative shall notify the authorities of the flag Member State of the date, time, position of exit or entry and quantities live weight by species for all catches retained on board. No new fishing activity can commence until all catches of cod have been landed.

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[11] OJ L 171, 6.7.1994, p. 7.

[12] OJ L 12, 14.01.2005, p. 1.

5.2.3. Notwithstanding points 5.2.1. and 5.2.2., Community vessels conducting trans-zonal fishing by crossing the line separating Subdivisions 24 and 25 more than once during a period of 24 hours and provided they remain within a delimited zone of five miles either side of the line between the Subdivisions shall communicate the required information at the time of their first entry and last exit within that 24-hour period.

5.3. Logbooks

5.3.1. 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 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.

5.4. Margin of tolerance

By way of derogation from Article 5(2) 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], the permitted margin of tolerance in estimating quantities, in kilograms, of fish that are retained on board of Community vessels shall be 8% of the logbook figure.

5.5. Prior notification

5.5.1. By way of derogation from Article 7(1) of Regulation (EEC) No 2847/93, the master or his/her authorised representative, of a Community vessel retaining more than 300 kg live weight of cod, shall inform the competent authorities of the Member State, at least two hours prior to any entry into any landing location of that Member State, of:

(a) the name of the landing location;

(b) the estimated time of arrival at that landing location.

5.5.2. By way of derogation from Article 7(1) of Regulation (EEC) No 2847/93, the master, or his/her authorised representative, of a Community vessel retaining more than 300 kg live weight of cod, shall inform the competent authorities of the Member State, at least one hour prior to any entry into any landing location of that Member State, of the quantities, by species, in kilograms live weight of all species of which more than 50 kg is retained.

5.5.3. Vessels retaining more than 300 kg live weight of cod shall not commence discharging the catch retained until so authorised by the competent authorities of the Member State in which landing is to be made.

5.6. Designated ports

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13 OJ L 261, 20.10.1993, p. 1.
14 OJ L 276, 10.10.1983, p. 1.

5.6.1. When a vessel retains more than 750 kg live weight of cod, that cod shall be landed exclusively at designated ports.

5.6.2. Each Member State shall designate ports at which any Baltic cod in excess of 750 kg is landed.

5.6.3. Within 15 days of the date of entry into force of this Regulation, each Member State shall establish, maintain and make available on its official website to the Commission and other Member States bordering the Baltic Sea a list of designated ports. The list shall include the relevant contact details for the submission of logbooks and landing declarations when landing in that Member State.

5.7. Weighing of cod first landed.

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

5.7.2. Each Member State shall set specific inspection benchmarks. Such benchmarks shall be revised periodically after analysis of the results achieved. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Appendix 2 are reached.

5.8. Fishing effort data

By way of derogation from Article 19a(1) of Regulation (EEC) No 2847/93, Articles 19b, 19c, 19d, 19e and 19k of that Regulation shall apply to Community vessels of an overall length equal to or greater than 8m.

5.9. VMS messages

5.9.1. Member States shall ensure that the following data received pursuant to Article 8, Article 10(1) and Article 11(1) of Commission Regulation (EC) No 2244/2003 are recorded in a computer-readable form:

a) each entry into, and exit from port;

b) each entry into, and exit from maritime areas where specific rules on access to waters and resources apply.

5.9.2. Member States shall verify the submission of logbooks and relevant information recorded in the logbook by using VMS data. Such cross-checks shall be recorded in a computer-readable form for a period of three years.

5.10. Prohibition on transit and transhipment

5.10.1. Transit within the areas closed for cod fishing is prohibited unless the fishing gear on board is securely lashed and stowed in accordance with the conditions set out in Article 20(1) of Regulation (EEC) No 2847/93.

5.10.2. Transhipment of cod is prohibited.

5.11. Transport of Baltic cod

By way of derogation form Article 13(1) of Reg. (EEC) No. 2847/93 Baltic cod more than 50 kg landed for transport by Community vessels having an overall length equal to or more than 8 metres shall be accompanied by a landing declaration as provided for in Article 8(1) of the same Regulation.

5.12. Joint surveillance and exchange of inspectors

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

5.12.2. 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.

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

5.12.4. A meeting of the competent national inspection authorities shall be convened by the Commission before 31 January 2006 to coordinate the joint inspection and surveillance programme for 2006.

5.13. National control action programmes

5.13.1. Member States concerned shall define a national control action programme for the Baltic Sea in accordance with Appendix 3.

5.13.2. Before the 31 January 2006, Member States concerned shall make available to the Commission and other Member States bordering the Baltic Sea on its official website the national control action programme referred to in point 5.13.1, together with an implementation schedule.

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

6. Specific provisions for Subdivision 28.1.

6.1. Special fishing permit

6.1.1. In order to exercise fishing activities in Subdivision 28.1, vessels shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94.

6.1.2. Member States shall ensure that vessels to which a special fishing permit as referred to in point 6.1.1 has been issued are included on a list containing their names and internal registration numbers to be provided to the Commission by each Member State.

Vessels included on the list shall satisfy the following conditions:

(a) the total engine power (kW) of the vessels on the lists must not exceed that observed for each Member State in Subdivision 28.1 in the years 2000 and 2001;

(b) the engine power of a vessel must not exceed 221 kW at any time.

6.2. Replacement of vessels or engines

6.2.1. Any individual vessel on the list referred to in point 6.1.2 may be replaced by another Community vessel or vessels flying the flag of that Member State and registered in the Community provided that:

(a) such replacement does not lead to an increase in the total engine power as indicated in point 6.1.2 (a) in the Member State concerned, and

(b) the engine power of any replacement vessel does not exceed 221 kW at any time.

6.2.2. An engine of any individual vessel included on the list referred to in point 6.1.2 may be replaced, provided that:

(a) the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time, and

(b) the power of the replacement engine is not such that replacement leads to an increase in the total engine power as indicated in point 6.1.2(a) for the Member State concerned.

Appendix 1 to Annex III

SPECIFICATIONS OF TOP WINDOW CODEND "BACOMA"

Description

a. Identification of Window

The window shall be a rectangular section of netting in the codend. There shall be only one window.

b. Size of codend, extension piece and rear end of trawl

i. The codend shall be constructed of two panels, joined together by selvedges one on each side of equal length.

ii. The minimum mesh size of the diamond meshes shall be 105 mm. The material of the yarn shall be of braided polyethylene threads with a single twine thickness of no more than 6 mm or with double twine thickness of no more than 4 mm respectively.

iii. It is prohibited to use codends and extension pieces which are made of only one piece of net material and have only one selvedge.

iv. The number of open diamond meshes, excluding those in the selvedges, at any point on any circumference of any extension piece shall not be less or more than the maximum number of meshes on the circumference of the front end of the codend (Figure 1).

c. Location of window

i. The window shall be inserted into the top panel of the codend (Figure 2.).

ii. The window shall terminate not more than 4 meshes from the codline, inclusive of the hand braided row of meshes through which the codline is passed (Figure 3 or 4).

d. Size of window

i. The width of the window, expressed in number of mesh bars, shall be equal to the number of open diamond meshes in the top panel divided by two. If necessary, it will be allowed to maintain at the most 20 % of the number of open diamond meshes in the top panel divided evenly on the both sides of the window panel (Figure 4).

ii. The length of the window shall be at least 3.5 meters.

e. Netting of window

i. The meshes shall have a minimum mesh opening of 110 mm. The meshes shall be square meshes i.e. all four sides of the window netting will be cut all bars.

ii. The netting shall be mounted in such a way that the bars run parallel and perpendicular to the length of the codend. The netting shall be knotless braided single twine or netting with similar proven selective properties. Knotless netting means netting which is composed of meshes of four sides in which the corners of the meshes are formed by the interweaving of the twines of two adjacent sides of the mesh.

iii. The diameter of the single yarn shall be at least 4.9 mm.

f. Other Specifications

i. The mounting specifications are defined in Figures 3 and 4.

ii. The length of the lifting strap shall not be less than:

1. 4 m for a codend of circumference of between 100 and 89 diamond meshes measured in front of the window;

2. 3.5 m for a codend of circumference between 88 and 75 diamond meshes measured in front of the window and;

3. 3 m for a codend of circumference of less than 75 diamond meshes measured in front of the window.

iii. A back strap shall not encircle the "BACOMA" exit window. It shall be made of rope not more than 20mm in diameter and be at least 2 m long.

iv. A codend buoy shall be spherical in shape and have a maximum diameter of 40 cms. It shall be fastened through the buoy rope to the cod line.

v. A flapper shall not overlap the BACOMA exit window.

Conditions for the Repair of Square mesh Panels.

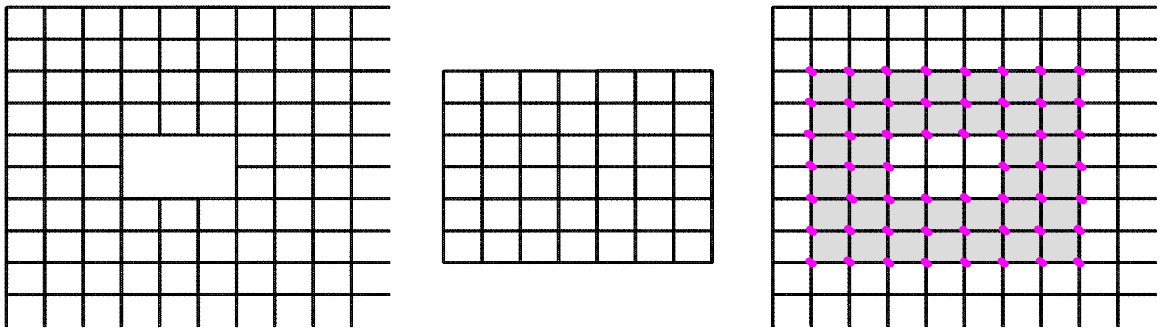
a. For the purpose of inspection it is necessary to describe detailed rules for the repair of damaged square meshes in the square mesh BACOMA exit window:

i. It is prohibited to use a square mesh BACOMA exit window which has 10% or more meshes repaired.

ii. Square meshes which have been damaged shall be repaired according to the prescribed method.

iii. A repaired mesh is any mesh opening which is affected by a repair.

b. Method for Repairing the "BACOMA" exit window.



i. Clean the hole by melting the ends of the twine around the edge of the hole to prevent the twines from un-braiding.

ii. Count the meshes to be replaced. Prepare a patch using knotless braided single twine that is the same material, diameter and strength of the net needing to be patched.

iii. The patch should be two meshes larger in each direction than the cleaned-up hole to provide sufficient netting to overlap the edges of the hole.

iv. Clean the patch by melting the ends of the twine around the edge of the patch.

v. Lay the patch over the hole and lace it to the existing netting using braided twine, as shown in the illustration.

vi. Make sure to lace the crosses of the netting together.

vii. Continue lacing around the hole so that you have at least two rows of lacing around the patch.

viii. The patched hole will resemble this illustration when finished.

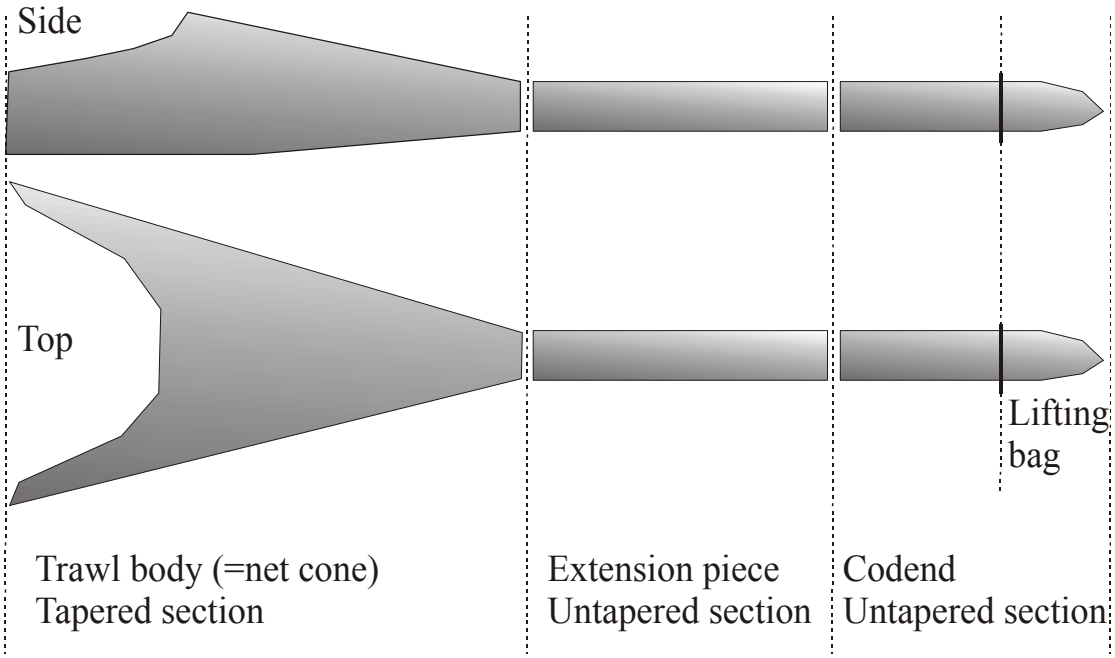


Figure 1

Trawl gear may be divided into three different sections according to shape and function.

The trawl body is always a tapered section, often between 10 and 40 m long. The extension piece is an untapered section, normally manufactured of either one or two pieces of 49.5 mesh long nets giving a stretched length of between 6 and 12 m. The codend is also an untapered section, often made of double twine in order to have greater resistance against heavy wearing. The part below the lifting strap is called a lifting bag.

Figure 2

A Extension piece

B Codend

C Escape Window, Square mesh panel

1 Upper panel, max 50 open diamond meshes

2 Lower panel, max 50 open diamond meshes

3 Selvedges

4 Joining round or lacing

5 Lifting strap

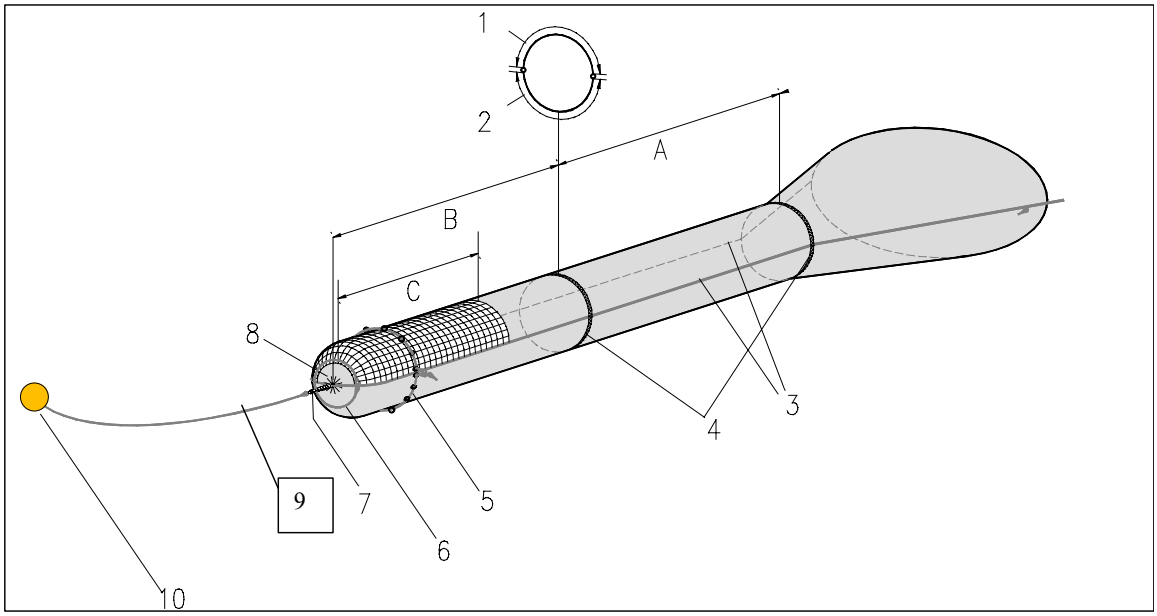
6 Back strap

7 Codline

8 Distance of window from codline (Fig 3 and 4)

9 Buoy rope

10 Codend buoy



MOUNTING OF WINDOW PANEL

Figure 3

A 110mm Square mesh panel (25bars)

B Joining of Square mesh panel to selvedge

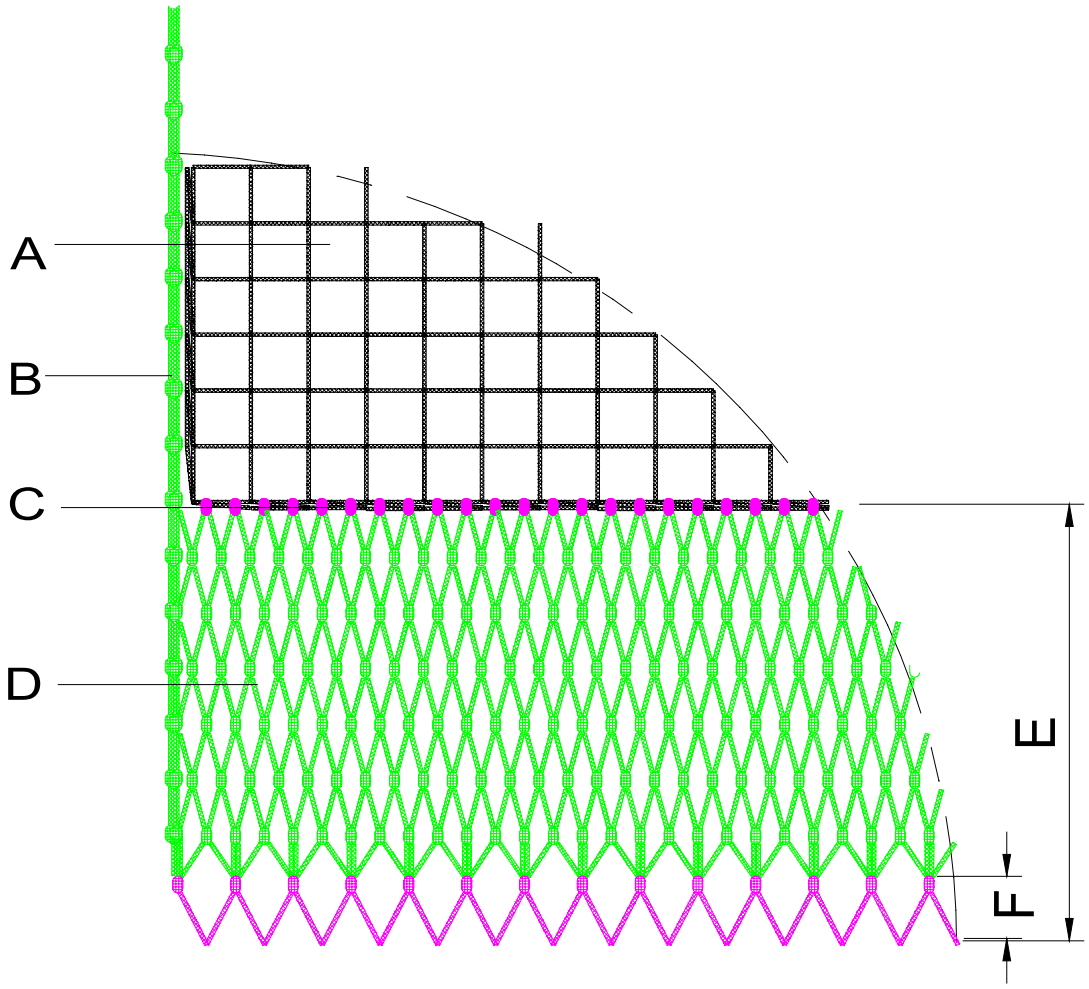
C Joining of Square mesh panel to Diamond Mesh net**,** except edge bars of window from both sides

2 diamond meshes / 1 bar in a square mesh

D 105mm Diamond Mesh net (Max 50 0pen meshes)

E Distance of the window panel from the codline. The window shall terminate not more than 4 meshes from the codline, inclusive of the hand braided row of meshes through which the codline is passed

F One row of hand-braided codline meshes



MOUNTING OF WINDOW PANEL

Figure 4

A 110mm Square mesh panel (20 bars)

B Joining of Square mesh panel to selvedge

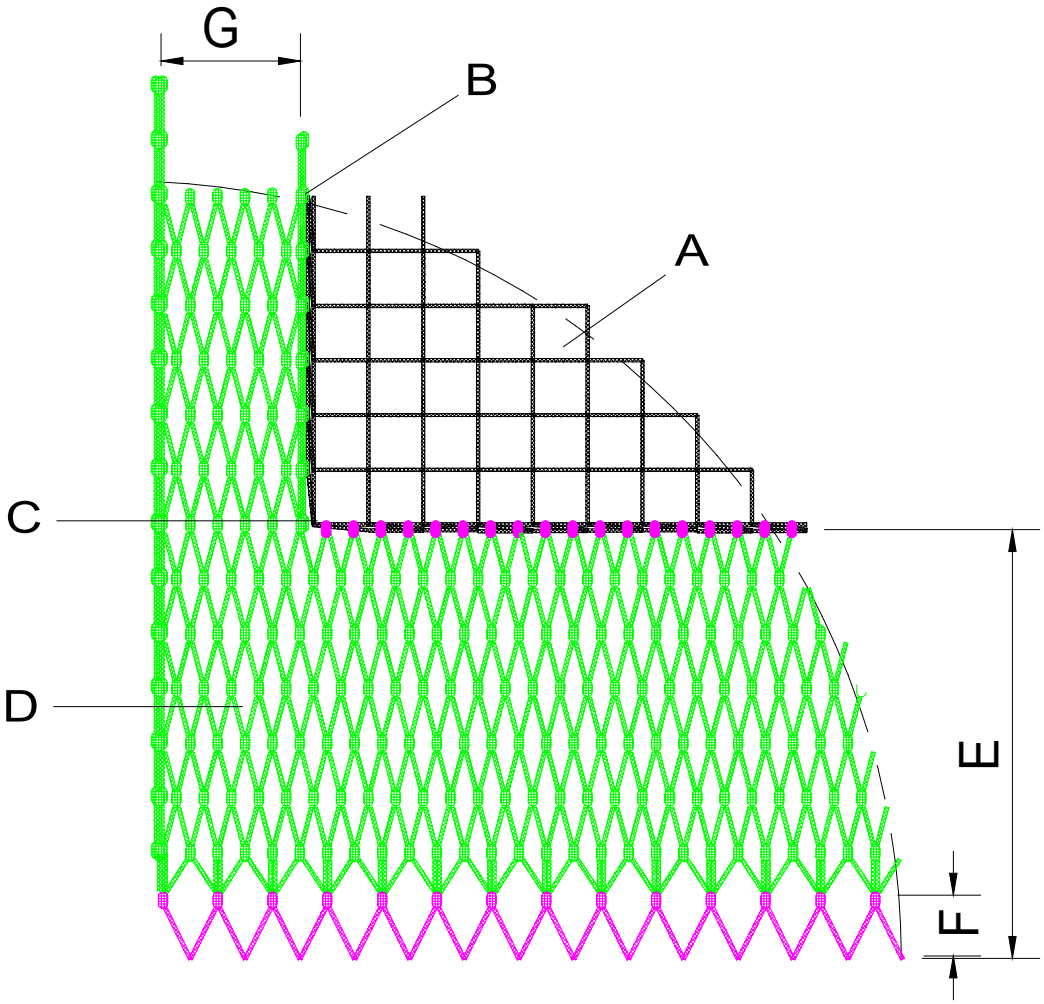
C Joining of Square mesh panel to Diamond Mesh net**,** except edge bars of window from both sides shall be 2 diamond meshes per 1 square mesh

D 105mm Diamond Mesh net (Max 50 open meshes)

E Distance of the window panel from the codline. The window shall terminate not more than 4 meshes from the codline, inclusive of the hand braided row of meshes through which the codline is passed

F One row of hand-braided codline meshes

G Max 10% in both sides of open meshes D

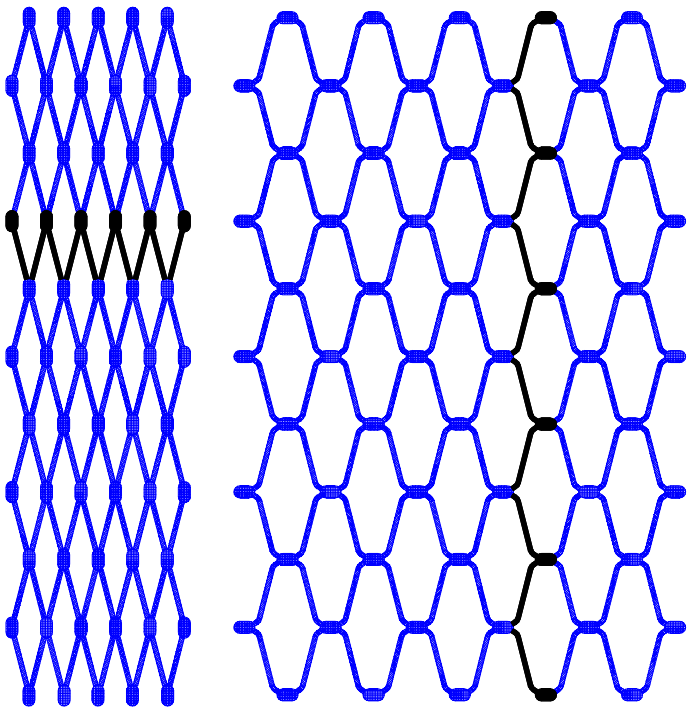


II. SPECIFICATIONS OF T90 TRAWL

a. Definition

i. T90 trawls are defined as trawls, Danish seines and similar nets having a codend and extension piece produced from diamond-knotted netting turned 90° so that the main direction of run of the netting twine is parallel to the towing direction.

ii. The direction of run of the netting twine in a standard diamond knotted net (A) and in a net turned 90° (B) is illustrated below.



A **B**

b. Meshsize and measurement

The mesh size shall be at least 110 mm. By way of derogation from Article 5(1) of Commission Regulation (EC) No 129/2003 of 24 January 2003 laying down detailed rules for determining the mesh size and thickness of twine of fishing nets[15], the mesh size in the codend and the extension piece shall be measured perpendicular to the longitudinal axis of the fishing gear.

c. Twine thickness

The codend and extension piece shall be made of single twine netting material having a twine thickness of no more than 5 mm or of double twine netting material

[15] OJ L 022, 25.01.2003, p. 4.

having a twine thickness of no more than 4 mm respectively. This provision shall not apply to the rear-most row of meshes in the codend if fitted with a codline.

d. Construction

iii. A codend and extension of turned meshes (T90) shall be made of two panels of equal dimensions, with the same number of meshes in width and length and with the mesh orientation described above, joined by two lateral selvedges. Each panel shall be made with non-slip knots and in such a way that the meshes remain fully open at all times when in use.

iv. The number of open meshes in any circumference must be constant from the front part of the extension to the rear-most part of the codend.

v. At the point of attachment of the codend or extension piece to the tapered part of the trawl, the number of meshes in the circumference of the codend or extension piece must be 50% of the last row of meshes of the tapered part of the trawl.

vi. A codend and extension piece is illustrated in the figure below.

e. Circumference

The number of meshes in any circumference in the codend and the extension piece, excluding joinings and selvedges, shall be no more than 50.

f. Joining rounds

The forward edge of the panels comprising both codend and extension shall be fitted out with a braided row of half meshes. The aft edge of the codend panel shall be fitted out by a full row of braided meshes able to guide the codline.

g. Length of codend

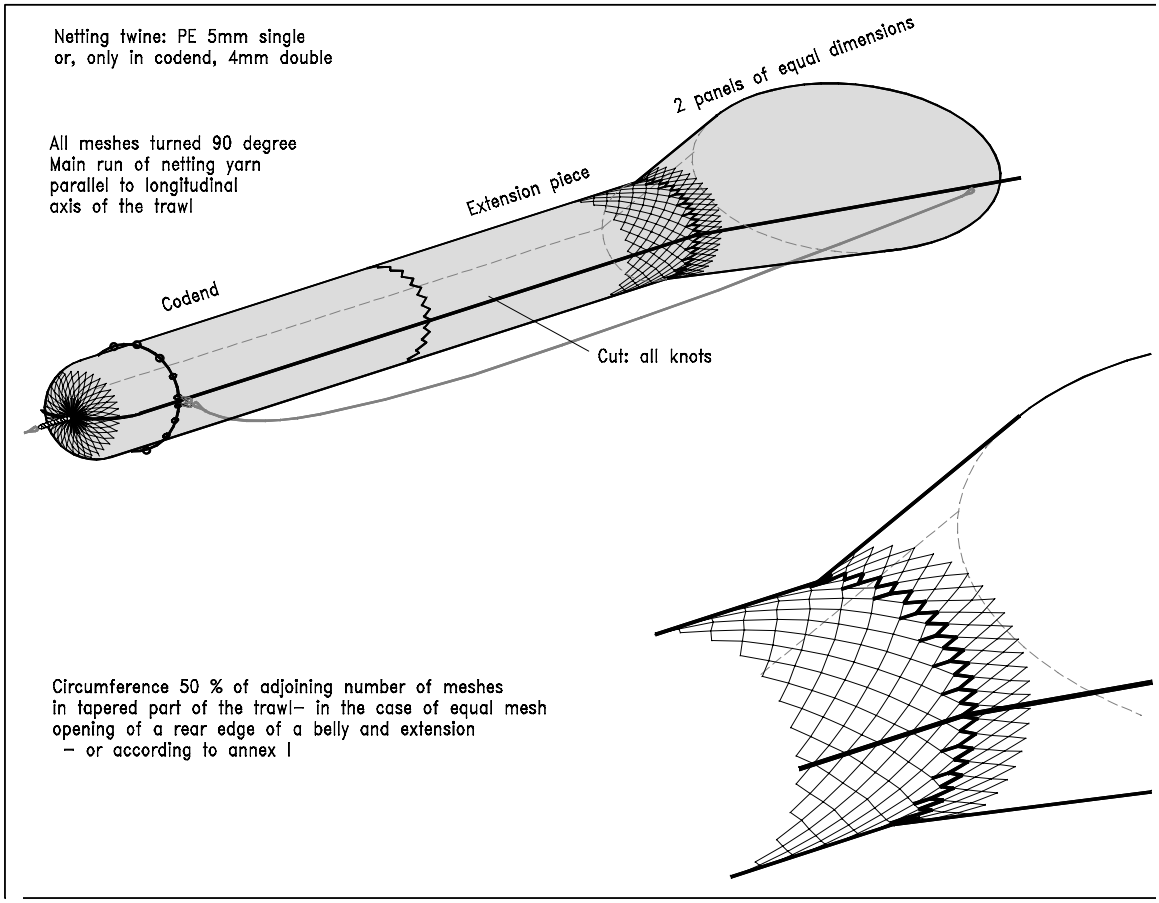
The codend shall have a length of at least 50 meshes.

h. Lifting strap

The length of the lifting strap at the point at which it is attached to the codend shall no less than the stretched length of the meshes in circumference of the codend, multiplied by a factor of 0.6.

i. Codend buoy

The codend buoy shall be spherical in shape and have a maximum diameter of 40 cm. It shall be fastened through the buoy rope to the codline. The length of the buoy rope shall be not less than two and a half times the square root of the depth.


Netting twine: PE 5mm single
or, only in codend, 4mm double
All meshes turned 90 degree
Main run of netting yarn
parallel to longitudinal
axis of the trawl
2 panels of equal dimensions
Extension piece
Codend
Cut: all knots
Circumference 50 % of adjoining number of meshes
in tapered part of the trawl– in the case of equal mesh
opening of a rear edge of a belly and extension
– or according to annex I

Appendix 2 to Annex III

Common Rules for national control programmes

Objective

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

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.

Target benchmarks

4. Not later than one month from the date of entry into force of this Regulation, Member States shall implement their inspection schedules taking account of the targets set out below:

   a. Level of inspection in ports

   As a general rule, inspections shall cover 20 % by weight of cod landings covering all places of landing. Alternatively, inspections shall be undertaken at such frequency as to ensure that during a three month period a number of Community vessels that account for 20 % or more by weight of cod landings are inspected at least once. The total quantity in number of landings inspected should guarantee an accuracy of 95 % on the estimation of the total quantities of cod landed.

   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, with possibly 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 3 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. DESIGNATION OF PORTS

2.1. A list of ports designated for cod landings in accordance with point 5.6.2 of Annex III.

3. NOTIFICATION OF ENTRY AND EXIT

3.1. Description of the systems implemented to ensure compliance with the provisions in point 5.2 of Annex III.

4. LANDINGS CONTROL

4.1. Description of the systems implemented to ensure compliance with the provisions in point 5.5 of Annex III.

4.2. Description of the systems implemented to calculate the margin of tolerance specified in point 5.4 of Annex III.

4.3. Description of the systems implemented for weighing of landings in accordance with point 5.7 of Annex III.

4.4. Description of system applied to draw up the specific inspection benchmarks referred to under point 5.7.2 of Annex III.

5. INSPECTION PROTOCOLS

5.1. Protocols for inspections in relation cod fisheries at sea and on land.

5.2. Protocols for communication with the competent authorities designated by other Member States as responsible for the national control action programme for cod.

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