

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 3.9.2007
COM(2007) 492 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 2008

(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 2008.

- **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 2008 in the Baltic Sea was delivered by the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) in June 2007. On the basis of the scientific advice the Community has had an informal technical consultation on the TACs and quotas and associated condition with the Russian Federation in light 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. Joint management measures have not been established for the shared stocks at this stage.

The proposal contains three sections of importance for the management of the Baltic fisheries in 2008 a section fixing the TACs and quotas, a section limiting the fishing effort and a section laying down associated technical 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 1941/2006 of 11 December 2006 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007.

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.

Council Regulation (EC) No XXX/2007 of XX XX 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks is outlining the control and monitoring measures applicable in connection with the rebuilding of the cod stocks in question. Moreover it is providing the rules for the setting of the TACs for the Western and the Eastern cod stocks and the associated fishing effort limitations.

- **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 2006 on Council Regulation (EC) No 1941/2006 of 11 December 2006 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007 and Council Regulation (EC) No XXX/2007 of XX XX 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks Both regulations have been subject to consultations with the fishing sector, NGO's dealing with fisheries issues in the Baltic Sea, and Member States concerned in 2005 and 2006.

The Baltic RAC, which was founded in March 2006, has been consulted at its Executive Committee meeting in June 2007 on the basis of the policy statement by the Commission on the Fishing opportunities for 2008. The scientific basis for the proposal was provided by ICES and STECF. DG FISH presented the rules it would follow for setting the TACs and quotas for 2008 on the basis of the policy statement. The preliminary views expressed during the meeting and the subsequently provided written recommendations were taken into account.

Especially the Eastern cod stock and the salmon stocks in the Main Basin were discussed during the meeting. The Eastern cod stock is continuously suffering from high levels of misreporting. ICES is including estimates for misreported catches in their catch forecast but do advice not to include unallocated catches in the setting of the TACs unless a stop of illegal landings is implemented. Control and monitoring measures to address the problem of misreporting in the cod fishery are included in the Multi-annual plan for the two cod stocks in the Baltic Sea and the fisheries exploiting these stocks which will enter into force in 2008.

- Salmon in the Main Basin is suffering from a decreasing post-smolt survival which will result in a decreasing number of spawners in 2007-2008. A reduction in the TAC by 15% is therefore proposed.

- **Collection and use of expertise**

The Community requests, each year, ICES and STECF for scientific advice on the state of important fish stocks. The advice received covers all Baltic stocks for which TACs are

proposed except plaice for which no advice is given this year. 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 unless the status of a stock requires stronger measures. When a stock is subject to a management plan the proposed TACs is in accordance with the plan.

For the cod stocks the proposed TACs reflect the gradual approach applied in the 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 ensure recovery of the stocks and provide high and stable yields.

While ICES TAC forecast is based on total landings including estimates for misreported catches, the TAC proposal for the cod stocks is based solely on legal landings in light of the strengthened control and monitoring measures that will be implemented in 2008 as part of the multi-annual plan and the Commission's intention to reduce misreporting considerably in the concerned Member States in 2008. In light of the poor status of the Eastern cod stock and the current high fishing mortality for both stocks, the TACs for both stocks are proposed in correspondence to a reduction in fishing mortality by 10% without the annual TAC variation limit of 15%.

With regards to the Salmon stocks in the Baltic Sea, additional management measures in marine and inland waters are required in order to facilitate efficient recovery of the stocks where necessary. It is therefore intended to develop a salmon management plan in 2008.

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 decrease in fishing opportunities for Community vessels in the Baltic Sea by 10%. For several herring stocks and sprat the reduction is based on lower recruitment to the stocks. The most significant reductions are the TACs for the Baltic cod stocks in accordance with the multi-annual plan and the main basin salmon stocks in response to the decreased post-smolt survival. The TAC for salmon in the main basin and plaice resulting from the proposed reductions are above real catches and therefore not expected to have an influence on the first hand value of landings. The TAC for central herring has been increased.

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 in the long-term. 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. The stability of the sector will increase in the long-term.

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 2008 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 2008.

The TACs and quotas for the two cod stocks are closely linked to the fishing effort limits laid down in Annex II.

The technical measures in Annex III represent additional measures for the management of the fishery for flounder and turbot.

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 2008

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.

---

1 OJ L 358, 31.12.2002, p. 59.
2 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[3], Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish[4], Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy[5], Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems[6], and Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels[7], 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[8], 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[9] and Council Regulation (EC) No XXX/2007 of XX XX 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks[10]

(8) It is appropriate in accordance with the Commission's declaration at the meeting of the Council on 11-12 June 2007 to take account of the efforts made by Member States to adjust fleet capacities in the Baltic Sea in recent years without compromising the overall objective of the effort scheme in Regulation (EC) No XXX/2007.

(9) In order to contribute to the conservation of fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2008.

(10) In order to ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2008. 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,

---

3 OJ L 132, 21.5.1987, p. 9.

4 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).

5 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).

6 OJ L 333, 20.12.2003, p. 17.

7 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).

8 OJ L 365, 31.12.1991, p. 1.

9 OJ L 16, 20.1.2005, p. 184

10 OJ L

HAS ADOPTED THIS REGULATION:

CHAPTER I
Scope and definitions

Article 1
Subject matter

This Regulation fixes fishing opportunities for the year 2008 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;

(e) "day absent from port" means any continuous period of 24 hours or part thereof during which the vessel is absent from port.

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 2009, 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) 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(b).

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 measures

Transitional technical measures are set out in Annex III.

CHAPTER III
Final provisions

Article 9
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 10
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 2008.

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.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of these tables the codes used for the different species are as follows:

Scientific name	Alpha-3 code	Common name
Clupea harengus	HER	Herring
Gadus morhua	COD	Cod
Platichthys flesus	FLX	Flounder
Pleuronectes platessa	PLE	Plaice
Psetta maxima	TUR	Turbot
Salmo salar	SAL	Atlantic salmon
Sprattus sprattus	SPR	Sprat

Species:	Herring	Zone:	Subdivisions 30-31
	Clupea harengus		HER/3D30.; HER/3D31.
Finland	63 834	Analytical TAC.	
Sweden	14 026	Article 3 of Regulation (EC) No 847/96 applies.	
EC	77 860	Article 4 of Regulation (EC) No 847/96 applies.	
		Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	77 860		

Species:	Herring	Zone:	Subdivisions 22-24
	Clupea harengus		HER/3B23.; HER/3C22.; HER/3D24.
Denmark	5 551	Analytical TAC.	
Germany	21 848	Article 3 of Regulation (EC) No 847/96 applies.	
Finland	3	Article 4 of Regulation (EC) No 847/96 applies.	
Poland	5 153	Article 5(2) of Regulation (EC) No 847/96 applies.	
Sweden	7 045		
EC	39 600		
TAC	39 600		

Species:	Herring	Zone:	Subdivisions 25-27, 28.2, 29 and 32
	Clupea harengus		HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	3 265	Analytical TAC.	
Germany	866	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	16 673	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	32 546	Article 5(2) of Regulation (EC) No 847/96 applies	
Latvia	4 115		
Lithuania	4 333		
Poland	36 975		
Sweden	49 634		
EC	148 407		
TAC	Not relevant		

Species:	Herring *Clupea harengus*	Zone:	Subdivision 28.1 HER/03D.RG
Estonia	16 668	Analytical TAC.	
Latvia	19 426	Article 3 of Regulation (EC) No 847/96 applies Article 4 of Regulation (EC) No 847/96 applies.	
EC	36 094	Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	36 094		

Species	Cod *Gadus morhua*	Zone:	EC waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	7 250	Analytical TAC.	
Germany	2 884	Article 3 of Regulation (EC) No 847/96 does not apply	
Estonia	706	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	555	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	2 696		
Lithuania	1 776		
Poland	8 349		
Sweden	7 345		
EC	31 561		
TAC	Not relevant		

Species:	Cod *Gadus morhua*	Zone:	EC waters of Subdivisions 22 –24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	7 827	Analytical TAC.	
Germany	3 826	Article 3 of Regulation (EC) No 847/96 applies	
Estonia	174	Article 4 of Regulation (EC) No 847/96 applies.	
Finland	154	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	647		
Lithuania	420		
Poland	2 094		
Sweden	2 788		
EC	17 930		
TAC	17 930		

Species:	Plaice *Pleuronectes platessa*	Zone:	EC waters of IIIbcd PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 293	Precautionary TAC.	
Germany	255	Article 3 of Regulation (EC) No 847/96 applies	
Poland	480	Article 4 of Regulation (EC) No 847/96 applies.	
Sweden	173	Article 5(2) of Regulation (EC) No 847/96 applies.	
EC	3 201		
TAC	3 201		

Species:	Atlantic salmon *Salmo salar*	Zone:	EC waters of IIIbcd excluding Subdivision 32 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	75 511 (1)	Analytical TAC.	
Germany	8 401 (1)	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	7 674 (1)	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	94 157 (1)	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	48 028 (1)		
Lithuania	5 646 (1)		
Poland	22 907 (1)		
Sweden	102 068 (1)		
EC	364 392 (1)		
TAC	Not relevant		

(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	Not relevant		

(1) Expressed by number of individual fish.

Species:	Sprat *Sprattus sprattus*	Zone:	EC waters of IIIbcd SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	42 614	Analytical TAC.	
Germany	26 997	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	49 484	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	22 307	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	59 765		
Lithuania	21 619		
Poland	126 833		
Sweden	82 381		
EC	432 000		
TAC	Not relevant		

ANNEX II

1. Fishing effort limits

1.1. For vessels flying their flag, Member States shall ensure that fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment shall be permitted for a maximum number of

(a) 223 days absent from port in subdivisions 22-24 with the exception of the period from 1 to 30 April when Article 8 paragraph 1(a) of Council Regulation (EC) No XXX/ 2007 applies, and

(b) 200 days absent from port in subdivisions 25–27 with the exception of the period from 1 July to 31 August when Article 8 paragraph 1(b) of Council Regulation (EC) No XXX/ 2007 applies.

1.2. Up to 4 additional days absent from port may be allocated to Member States by the Commission on the basis of permanent cessations of fishing activities with any of the gears defined in Article 8 paragraph 1 of Council Regulation (EC) No XXX/ 2007 that have taken place since 1 January 2005 in the areas concerned in accordance with Article 7 of Council Regulation (EC) No 2792/1999

1.3. Member States wishing to benefit from the allocations described in point 2. shall submit a request to the Commission with reports containing the details of permanent cessations of the fishing activities in question by 30 January 2008. On the basis of such a request the Commission may amend the number of days absent from port defined in point 1 for that Member State in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.

ANNEX III
Transitional technical measures

1. Restrictions on fishing for flounder and turbot

1.1. The retention on board of the following species of fish which are caught within the geographical areas and during the periods mentioned below shall be prohibited:

Species	Geographical area	Period
Flounder *(Platichthys flesus)*	Subdivisions 26 to 28, 29 south of 59°30'N Subdivision 32	15 February to 15 May 15 February to 31 May
Turbot *(Psetta maxima)*	Subdivisions 25 to 26, 28 south of 56°50'N	1 June to 31 July

2. By way of derogation from point 1, when fishing with trawls, Danish seines and similar gears with a mesh size equal to or greater then 105 mm or with gillnets, entangling nets or trammel nets with a mesh size equal to or greater than 100 mm, by-catches of flounder and turbot may be retained on board and landed within a limit of 10 % by live weight of the total catch retained on board and landed during the periods of prohibition referred to in that point.