



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

**Establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries
exploiting those stocks**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the two cod stocks in the Baltic Sea are suffering from unsustainable exploitation levels. The eastern cod stock in ICES Subdivisions 25 to 32 has been subject to levels of mortality by fishing which have eroded the stock size to the point at which the stock may not be able to replenish itself by reproduction and that the stock is therefore threatened with collapse. The western cod stock in ICES Subdivisions 22 to 24, although in a somewhat better state, is also exposed to very high levels of fishing resulting in yields well below the long-term potential level.

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.

- **General context**

The International Baltic Sea Fishery Commission (IBSFC) adopted in 2003 a management plan for the fisheries on the cod stocks in the Baltic Sea. The management plan defined management targets and included procedures for setting total allowable catches (TACs) for the two stocks, technical measures for limiting fishing effort and improving the selectivity in the cod fisheries, and a commitment to continue to co-operate on control and enforcement.

The advice received from ICES points to a number of weaknesses in the management plan and shows that at present it is very difficult to implement the plan. The main weaknesses are the dependency of scientific advice on catch levels for the coming year and the reliance on enforcement of the agreed TACs and quotas.

Because of uncertainty in the assessment of the size of the stocks ICES is not in the position to produce catch forecasts with the accuracy required to implement the plan.

The success of the IBSFC management plan relies on implementation and enforcement of the TACs and quotas. It has, however, become clear that the agreed quotas are not respected and significant quantities of cod from especially the eastern stock are landed without being reported. ICES estimates that in the order of 35%-45% of the eastern cod landings have not been reported in recent years.

A number of technical measures affecting the fisheries on cod are in force in the Baltic Sea. These measures include closed areas/seasons to limit the fishing effort and gear specific measures to enhance the selectivity in the fisheries. In particular the introduction of the Bacoma trawl (a trawl with a square meshed window in the codend) has been shown to have had a positive impact and has reduced the catches of undersized cod. The technical measures have, however, not been sufficient to address

the problem of unsustainable fishing levels.

The overall conclusion is that the present IBSFC management plan cannot be implemented and enforced. It is therefore necessary that the management plan be revised.

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

Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, sets the general framework for sustainable exploitation of fisheries resources, and identifies the situations in which the Council shall adopt management plans.

Council Regulation (EC) No 2187/05 of 21 December 2005 outlines all permanent technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound. However, continuative technical measures related to the long-term management of the cod stocks are included in this proposal. Among these measures are the proposed areas and seasons closed to fisheries catching cod.

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 has a number of temporary provisions related to the management of the cod fisheries in the Baltic. To the extent these provisions are relevant for the management of the cod stocks the provisions have been included in the proposal.

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

The proposal's objective of sustainable development is consistent with the Community's environmental policy, especially the elements of that policy dealing with protecting natural habitats and preserving natural resources.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

The proposal is based on several consultations with Member States as well as representatives for stakeholders.

The Commission issued, in September 2004 to Member States and stakeholders, a non-paper discussing the problems related to the management of the fisheries on cod and possible elements to be included in a management plan. The non-paper was discussed with Member States at an informal meeting on 5 October 2004. The general response was positive. All Member States supported the development of a new management plan for the cod stocks which would include an effort limitation system. This support was confirmed at the Fisheries Council meeting in December where the Council and the Commission issued a joint statement committing them to develop in 2005 a long-term management plan for Baltic cod including a recovery plan for the Eastern stock.

Following up on its joint statement with the Council the Commission issued a revised non-paper in April 2005. This paper was discussed with stakeholders at a regional workshop held in Brussels on 3 May and with Member States on 6 June.

Both stakeholders and Member States supported the general outline of the management plan as presented in the non-paper. Important issues raised were the need to reduce the exploitation gradually towards long-term sustainable levels and the importance of introducing a system for managing the fishing effort that would be acceptable to the fishing industry. In this respect neither Member States nor stakeholders could accept a system similar to the "days absent from port" system currently in force in the North Sea and west of Scotland.

On the basis of the responses from Member States and stakeholders and taking into account new scientific advice from the ICES, the Commission developed a draft proposal for a Council Regulation. Stakeholders were consulted on the draft proposal on 23 August and Member States were consulted in the margins of the annual session of the IBSFC 5 to 9 September.

Summary of responses and how they have been taken into account

- **Collection and use of expertise**

Scientific/expertise domains concerned

ICES and STECF were requested to provide scientific advice on the long-term management of the fisheries exploiting cod in the Baltic Sea and especially on suitable harvest rules to be applied in the recovery phase and when the stocks have recovered. The proposal is based on the advice received.

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences associated with the implementation of the plan has not been mentioned.

The general advice received from ICES and STECF is that to ensure high yields and low risk to the stock the fishing mortality should be reduced considerably. The advice furthermore indicates that a gradual approach whereby the fishing effort is reduced to the advised levels stepwise over a number of years would with high probability result in sustainable fishing levels if fully implemented and enforced.

Means used to make the expert advice publicly available

The advice from ICES and STECF is publicly available on their respective websites.

- **Impact assessment**

The proposed measures would, if implemented, result in:

- a) for the cod stocks
 - rebuilding of the Baltic cod stocks to sustainable levels and maintenance of

those levels thereafter

- change in the age composition towards older and larger fish
- b) for other stocks
- the fishing mortality on stocks (mainly flatfish stocks) caught together with cod in the demersal fisheries will be reduced
 - no analytical assessment is available for these associated stocks and the impact of reduced fishing mortality on the stock development and catches can not be assessed
- c) for the fishing effort
- a general reduction in the fishing effort in the fleet segments exploiting demersal species in the Baltic Sea
- d) for the impact of fishing on the environment
- reduced impact of the demersal fisheries on the environment
- e) for the catching sector
- stable catches of cod in the recovery period followed by increased catches
 - increased catch per unit effort

The economic consequences for the fishing sector of the management plan depend on how the plan is implemented by Member States. The current fishing mortalities on the two stocks are between two and three times the proposed target levels and to reach the targets, fishing effort will have to be reduced proportionally. The plan will therefore if implemented result in a gradual reduction in fishing effort of between 50% and 75%. This means with unchanged fleet capacity a proportional reduction in the time periods where demersal fisheries are allowed. If, however, the capacity of the fleet segments exploiting cod is reduced, by for example decommissioning programs, the reduction in periods open to demersal fisheries would be less.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

The legal basis for this proposal is Article 37 of the Treaty establishing the European Community.

When the Common Fisheries Policy was reformed in 2002 and Article 5 on recovery plans and Article 6 on management plans were introduced in Council Regulation (EC) 2371/2002, the focus were on the management of single stocks being in strong need for recovery measures. Such stocks required a different approach than those clearly within safe biological limits.

However, certain fisheries have strong interactions and/or links with each other and

require a joint management approach in order to define long-term objectives and develop an efficient management framework. As both cod stocks concerned by the present proposal are exploited by the same fishing vessels, it is a prerequisite that a multi-annual plan for the long-term management is applied to both stocks concurrently, although the conservation status of the stocks is different.

The status of a fish stock can be so closely within or outside safe biological limits that the stock size might fluctuate around this threshold from year to year. As this situation might arise during the application of this plan, a built-in flexibility is required to deal with it, while aiming for the maintenance of sustainable levels for the stocks. Therefore this proposal cannot be adopted in conformity with Articles 5 and 6 of Regulation 2371/2002, although the proposal corresponds to the same philosophy of multi-annual plans that inspired such articles.

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

The cod stocks in the Baltic Sea are distributed across most of the Baltic Sea and are found in waters of all Member States bordering the Baltic Sea. Actions taken by Member States separately will not be sufficient to guarantee the exploitation of the cod resources in accordance with the objectives of the Common Fishery Policy and action on Community level is therefore required.

The fisheries on cod have until now been managed by total allowable catches supported by technical measures. These measures have proved not to be sufficient to limit the exploitation to sustainable levels and additional measures at Community level are required. The measures proposed call for a gradual reduction of fishing effort in addition to the annual adjustments of the total allowable catch. These measures are accompanied by monitoring, inspection and surveillance measures.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

- **Review/revision/sunset clause**

The proposal includes a review clause.

The proposal includes a revision clause.

- **Detailed explanation of the proposal**

The proposal establishes a plan to rebuild and manage the cod stocks in the Baltic Sea according to the objectives of the Common Fisheries Policy. To achieve the objectives the exploitation of the cod stocks must be reduced to levels that with high probability ensure that the stocks are rebuilt to acceptable levels of stock biomass, providing a high level of stability in TACs and high yields. Targets are therefore set in terms of fishing mortality rates that are sufficiently low to allow the stocks to rebuild to sustainable levels and sufficiently high to guarantee high yields.

The proposed minimum fishing mortality rates are based on scientific advice from ICES and reflect the current biological situation in the Baltic Sea. A revision clause is included in the proposal to ensure that the minimum fishing mortality rates can be amended if appropriate in the light of new scientific information and advice.

The mechanism for reaching the targets is two-fold. An annual 10% reduction in fishing effort and in fishing mortality is required until the objectives are met. Specific rules describe how the fishing effort adjustments are made, and how scientific information will be used in setting total allowable catches that correspond to the effort limits.

The plan contains provisions for a review every three years to verify the performance and appropriateness of the management arrangements

Proposal for a

COUNCIL REGULATION

Establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) indicates that the cod stock in ICES Subdivisions 25 to 32 of the Baltic Sea has declined to levels where it is suffering from reduced reproductive capacity and that the stock is being harvested unsustainably.
- (2) Recent scientific advice from ICES indicates that the cod stock in ICES Subdivisions 22, 23 and 24 of the Baltic Sea is over-exploited and has reached levels where it is at risk of reduced reproductive capacity.
- (3) Measures need to be taken to establish a multi-annual plan for fisheries management of the cod stocks in the Baltic Sea.
- (4) The objective of the plan is to ensure that Baltic cod stocks can be exploited under sustainable economic, environmental and social conditions.
- (5) Regulation (EC) No 2371/2002 requires *inter alia* that, to achieve that objective, the Community is to apply the precautionary approach in taking measures to protect and conserve the stock, to provide for its sustainable exploitation and to reduce to a minimum the impact of fishing on marine ecosystems. It should aim at a progressive implementation of an ecosystem-based approach to fisheries management, and should contribute to efficient fishing activities within an economically viable and competitive fisheries industry, providing a fair standard of living for those who depend on fishing Baltic cod and taking the interests of consumers into account.

¹ OJ C , , p. .

² OJ C , , p. .

- (6) In order to achieve the objective the Eastern stock must be rebuilt to safe biological limits and for both stocks levels where their full reproductive capacity is maintained and the highest long-term yields can be reached must be ensured.
- (7) This can be achieved by establishing an appropriate method for gradually reducing the fishing effort in fisheries catching cod to levels that are consistent with the objective, and by fixing the total allowable catches (TACs) for the cod stocks at levels consistent with the fishing effort.
- (8) As catches of cod in the fisheries for herring and sprat and in gillnet and entangling-net fisheries for salmon are very limited, these fisheries should not be subject to the gradual reduction in fishing effort.
- (9) To ensure stability in the fishing possibilities, it is appropriate to limit the variation in the TACs from one year to the next.
- (10) An appropriate implementation of the control of fishing effort is to regulate the length of the periods when cod fishing is allowed.
- (11) Control measures are needed in addition to or by way of derogation from those laid down in Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits³, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁴ and Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish⁵ in order to ensure compliance with the measures laid down in this Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes a multi-annual plan for the following cod stocks (hereinafter referred to as 'the cod stocks concerned') and the fisheries exploiting those stocks:

- (a) cod which inhabits Subdivisions 22, 23 and 24;
- (b) cod which inhabits Subdivisions 25 to 32.

³ OJ L 171, 6.7.1994, p. 7

⁴ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁵ OJ L 276, 10.10.1983, p. 1

Article 2

Scope

This Regulation shall apply to Community fishing vessels (Community vessels) operating in the Baltic Sea and Member States bordering the Baltic Sea (hereinafter referred to as the Member States concerned).

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to those laid down in Article 3 of Regulation (EC) No 2371/2002 and Article 2 of Regulation (EC) No 2187/05:

- (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) VMS means a vessel monitoring systems (VMS) according to Commission Regulation (EC) No 2244/2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems⁶,

CHAPTER II OBJECTIVE AND TARGETS

Article 4

Objective and targets

The plan shall ensure the sustainable exploitation of the cod stocks concerned by gradually reducing and maintaining the fishing mortality rates at levels no lower than:

- 1) 0.6 on ages 3 to 6 years for the cod stock in Subdivisions 22, 23 and 24, and
- 2) 0.3 on ages 4 to 7 years for the cod stock in Subdivisions 25 to 32.

⁶ OJ L 333, 20.12.2003, p17

CHAPTER III TOTAL ALLOWABLE CATCHES

Article 5

Setting of TACs

1. Each year, the Council shall decide by a qualified majority on the basis of a proposal from the Commission on the TACs for the following year for the cod stocks concerned.
2. The TACs for the cod stocks concerned shall be set in accordance with Articles 6 and 7.

Article 6

Procedure for setting the TACs for the cod stocks concerned

1. The Council shall adopt the TAC for the cod stocks concerned that, according to a scientific evaluation carried out by the Scientific, Technical and Economic Committee for Fisheries (STECF), is the higher of:
 - (a) the TAC that would result in a 10% reduction in the fishing mortality rate in its year of application compared to the fishing mortality rate estimated for the preceding year.
 - (b) the TAC that would result in the level of fishing mortality rate defined in Article 4.
2. Where the application of paragraph 1 would result in a TAC that exceeds the TAC for the preceding year by more than 15%, the Council shall adopt a TAC which is 15% greater than the TAC of that year.
3. Where the application of paragraph 1 would result in a TAC that is more than 15% below the TAC of the preceding year, the Council shall adopt a TAC which is 15% less the TAC of that year.
4. Paragraph 3 shall not apply where a scientific evaluation carried out by the STECF shows that the fishing mortality rate in the year of application of the TAC will exceed a value of 1 per year from the ages 3 to 6 years for the cod stock in Subdivisions 22, 23 and 24 or a value of 0.6 per year for the ages 4 to 7 years for the cod stock in Subdivisions 25 to 32.

Article 7

Derogation from Article 6

By way of derogation from Article 6, the Council may, where it considers this appropriate, adopt a TAC that is below the TAC that follows from applying Article 6.

**CHAPTER IV
FISHING EFFORT LIMITATION**

Article 8

Procedure for setting periods when fishing with gear of a mesh size equal to or larger than 90 mm or with bottom set lines is allowed

1. It shall be prohibited to fish 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, or with bottom set lines:
 - (a) from 15 March to 14 May in Subdivisions 22, 23 and 24, and
 - (b) from 15 June to 14 September in Subdivisions 25 to 27.
2. The Council shall decide each year by a qualified majority on additional periods in the following year when fishing with the gear referred to in paragraph 1 is prohibited, in accordance with the rules set out in paragraphs 3 and 4.
3. Where the fishing mortality rate for one of the cod stocks concerned has been estimated by the STECF to be at least 10% higher than the minimum fishing mortality rate defined in Article 4, the total number of days when fishing with the gear referred to in paragraph 1 is allowed shall be reduced by 10% compared to the total number of days allowed in the current year.
4. Where the fishing mortality rate for one of the cod stocks concerned has been estimated by the STECF to be less than 10% above the minimum fishing mortality rates defined in Article 4, the total number of days where fishing with the gear referred to in paragraph 1 is allowed shall be equal to the total number of days allowed in the current year, multiplied by the minimum fishing mortality rate defined in Article 4 divided by the fishing mortality rate estimated by STECF.

5. At the request of the Commission, Member States shall provide a description of the system applied to ensure compliance with paragraph 2, 3 and 4.
6. By way of derogation from paragraphs 1 to 4, 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.

Article 9

Procedure for the recovery of fishing days

1. Fishing days on which fishing for cod shall be allowed in the areas defined in Article 8 paragraph 1, may be reallocated to Member States by the Commission on the basis of:
 - a) permanent cessations of fishing activities that have taken place since 1 January 2005 in the area concerned in accordance with Article 7 of Council Regulation (EC) No 2792/1999
 - b) the definitive withdrawal from the area concerned
2. The additional number of days allocated to vessels in a given gear category will be directly proportional to the capacity expended in 2005 measured in kilowatt days of the withdrawn vessels using the gear in question compared to the comparable level of effort expended by all vessels using that gear during 2005. Any part of a day resulting from this calculation shall be rounded to the nearest whole day.
3. Member States wishing to benefit from the allocations described in paragraphs 1 and 2 shall submit a request to the Commission with reports containing the details of permanent cessations of the fishing activities in question. On the basis of such a request the Commission may amend the fishing periods for that Member State in accordance with the procedure laid down in Article 30 of Regulation (EC) No 2371/2002.

Article 10

Area restrictions on fishing

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

(a) 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

(b) 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

(c) 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.

2. By way of derogation from paragraph 1, fishing with gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm or with lines shall be permitted. When fishing with lines, no cod shall be retained on board.

CHAPTER V

MONITORING, INSPECTION AND SURVEILLANCE

Article 11

Special permit for fishing for cod in the Baltic Sea

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 permits⁷, all Community vessels of an overall length equal to or greater than eight metres carrying on board or using any gears for cod fishing in the Baltic Sea in accordance with Article 3 of Regulation (EC) No 2187/2005 shall hold a special permit for fishing for cod in the Baltic Sea.
2. Member States shall issue the special permit for fishing for cod referred to in paragraph 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 required⁸. However, a Member State may issue a special permit for fishing for cod to a Community vessel, flying the flag of that Member State, not holding a special fishing permit in 2005 if it ensures that at least an equivalent capacity, measured in kilowatts (kW), is prevented from fishing in the Baltic Sea with any gear referred to in paragraph 1.
3. Each Member State concerned 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.
4. The master of a fishing 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 such permit on board the fishing vessel.

Article 12

Logbooks

1. By way of derogation from Article 6(4) of Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy⁹, the masters of all Community vessels of an overall length equal to or greater than eight metres

⁷ OJ L 171, 6.7.1994, p. 7.

⁸ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) No 1936/2005 (OJ L 311, 26.11.2005, p. 1).

⁹ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

shall keep a logbook of their operations in accordance with Article 6 of that Regulation.

2. For vessels fitted with VMS, Member States shall verify that the information received at the 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.
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 Article 18 of this Regulation.

Article 13

Electronic Recording and Transmission of Catch Data

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 fish¹⁰, 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. The vessels referred to in paragraph 1 shall transmit all the information recorded relating to fishing activities which is required to be recorded in a logbook to the Fisheries Monitoring Centre (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.
3. Member States shall ensure that its FMC receives the information referred to in paragraph 2 at least on a daily basis or, if the FMC requires so on a shorter time intervals.
4. The flag Member States shall transmit the information received in accordance with paragraph 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.

Article 14

Recording of Fishing Effort Data

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

¹⁰ 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).

its computerised database as referred to in Article 13 of Commission Regulation (EC) No 2244/2003.

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

Article 15

Monitoring and Control of Fishing Effort

1. The competent authorities of the flag Member State shall monitor and control the compliance with:
 - (a) fishing effort limits provided for by paragraphs 1 and 2 of Article 8.
 - (b) restrictions on fishing provided for in Article 10.
2. Each Member State shall establish and maintain a list of vessels subject to the provisions of Article 8 paragraphs 1 and 2 of 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 referred to in Article 8 paragraphs 1 of this Regulation.
3. The list, referred to in paragraph 2, shall be up-dated on a daily basis to reflect the days used by each vessel.

Article 16

Margin of tolerance in the logbook

By way of derogation from Article 5(2) of Regulation (EEC) No 2807/83, the 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.

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.

Article 17

Entry Into or Exit from Specific Areas

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

Article 18

Prior notification

1. The master of a Community fishing vessel exiting from Area A, Area B or 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 Article 13 of this Regulation shall be exempt from this obligation.

2. The notification provided for in paragraph 1 may also be made by a representative of the master of the Community fishing vessel.
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.

Article 19

Designated ports

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

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

Article 20

Weighing of cod first landed

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. 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.

Article 21

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 Annex I are reached.

Article 22

Prohibition on transiting and transshipping

1. Transit within areas closed for cod fishing is prohibited unless fishing gear on board is securely lashed and stowed in accordance with Article 17, paragraph 2, and subparagraph c.
2. The transshipment of cod shall only take place in a port designated for transshipment by the competent authorities.
3. Each Member State shall establish and maintain a list of ports designated for transshipment and make it available on its official website.

Article 23

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 eight 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 documents provided for in Article 13 of Regulation (EEC) No 2847/93.

Article 24

Joint surveillance and exchange of inspectors

1. Member States concerned shall undertake joint inspection and surveillance activities and shall establish joint operational procedures to that effect.
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.
3. Commission inspectors may participate in these joint inspection and surveillance activities.
4. A meeting of the competent national inspection authorities shall be convened by the Community Fisheries Control Agency (AFCA) before 15 November each year to coordinate the joint inspection and surveillance programme for the following year.

Article 25

National control action programmes

1. The Member States of the Baltic Sea shall define a national control action programmes for the Baltic Sea in accordance with Annex II.
2. The Member States of the Baltic Sea shall set specific inspection benchmarks in accordance with Annex I. 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 Annex I are reached.
3. Before the 31 January each year, the Member States of the Baltic Sea 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 paragraph 1, together with an implementation schedule.
4. The Commission shall convene at least once a year 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.

Article 26

Specific monitoring programme

By way of derogation from Article 34c(1) subparagraph 5 of Regulation (EEC) No 2847/93, the specific control and inspection programme for the cod stocks concerned may last for more than three years.

CHAPTER VI FOLLOW-UP

Article 27

Evaluation of the plan

1. The Commission shall, on the basis of advice from STECF and the Baltic Regional Advisory Council (RAC), evaluate the impact of the management measures on the stocks concerned and on the fisheries exploiting those stocks in the third year of application of this Regulation and in each of the following years.
2. The Commission shall seek scientific advice from STECF on the rate of progress towards the targets specified in Article 4 in the third year of application of this Regulation and each third successive year of its application. Where the advice indicates that the targets are unlikely to be met, the Council shall decide by a qualified majority on a proposal from the Commission on additional and/or alternative measures required to ensure that the objectives are met.

Article 28

Revision of minimum fishing mortality rates

Where the Commission, on the basis of advice from STECF, finds that the minimum fishing mortality rates given in Article 4 are disaccording with the objectives of the management plan, the Council shall on the basis of a Commission proposal decide by a qualified majority on revised minimum fishing mortality rates that are in accordance with the objective.

CHAPTER VII FINAL PROVISIONS

Article 29

Repeal

1. Council Regulation (EC) No 779/97¹¹ of 24 April 1997, introducing arrangements for the management of fishing effort in the Baltic Sea is hereby repealed.
2. Paragraph 1a of Article 19a of Regulation (EEC) No 2847/93 is hereby repealed.

¹¹ OJL 113, 30.04.1997

Article 30

Entry into force

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

This Regulation 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

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.

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.

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.

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.

ANNEX II

Contents of national control action programmes

National control action programmes shall aim, *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 Articles 13, 14, 15 and 18.

3. DESIGNATION OF PORTS

Where relevant, a list of ports designated for cod landings in accordance with Article 19.

4. ENTRY INTO OR EXIT FROM SPECIFIC AREAS.

Description of the systems implemented to ensure compliance with Article 17.

5. LANDINGS CONTROL

Description of any facilities and or systems implemented to ensure compliance with the provisions in Articles 12, 16, 20, 22, and 23 of this Regulation.

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.