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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COUNCIL REGULATION (EC) No 1404/2007**of 26 November 2007****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 847/96 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 Council Regulation (EC) No 1098/2007 of 18 September 2007, establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks ⁽³⁾, and in particular Articles 5 and 8(3) 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 to the allocation of fishing opportunities.

(6) In accordance with Article 2 of 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. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

⁽²⁾ OJ L 115, 9.5.1996, p. 3.

⁽³⁾ OJ L 248, 22.9.2007, p. 1.

- (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 ⁽¹⁾, Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish ⁽²⁾, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽³⁾, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems ⁽⁴⁾, Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels ⁽⁵⁾, 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 ⁽⁶⁾, 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 ⁽⁷⁾ and Regulation (EC) No 1098/2007.
- (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 1098/2007.
- (9) In order to contribute to the conservation of fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2008,

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.

⁽¹⁾ OJ L 132, 21.5.1987, p. 9.

⁽²⁾ 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).

⁽³⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11).

⁽⁴⁾ OJ L 333, 20.12.2003, p. 17.

⁽⁵⁾ 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).

⁽⁶⁾ OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 448/2005 (OJ L 74, 19.3.2005, p. 5).

⁽⁷⁾ OJ L 349, 31.12.2005, p. 1. Regulation as amended by Regulation (EC) No 809/2007 (OJ L 182, 12.7.2007, p. 1).

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) No 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; or
- (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 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 applies shall not land catches that are unsorted and that contain herring.

4. Where the quota for sprat 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 applies, shall not land catches that are unsorted and that contain sprat.

*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, 26 November 2007.

For the Council
The President
J. SILVA

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
<i>Clupea harengus</i>	HER	Herring
<i>Gadus morhua</i>	COD	Cod
<i>Platichthys flesus</i>	FLE	Flounder
<i>Pleuronectes platessa</i>	PLE	Plaice
<i>Psetta maxima</i>	TUR	Turbot
<i>Salmo salar</i>	SAL	Atlantic salmon
<i>Sprattus sprattus</i>	SPR	Sprat

Species: Herring <i>Clupea harengus</i>		Zone: Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	6 245	
Germany	24 579	
Finland	3	
Poland	5 797	
Sweden	7 926	
EC	44 550	
TAC	44 550	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

Species: Herring <i>Clupea harengus</i>		Zone: Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	71 344	
Sweden	15 676	
EC	87 020	
TAC	87 020	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 25-27, 28,2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	3 358		
Germany	890		
Estonia	17 148		
Finland	33 472		
Latvia	4 232		
Lithuania	4 456		
Poland	38 027		
Sweden	51 047		
EC	152 630		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivision 28,1 HER/03D.RG
Estonia	16 668		
Latvia	19 426		
EC	36 094		
TAC	36 094		Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Cod <i>Gadus morhua</i>	Zone:	EC waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	8 905		
Germany	3 542		
Estonia	868		
Finland	681		
Latvia	3 311		
Lithuania	2 181		
Poland	10 255		
Sweden	9 022		
EC	38 765		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Cod <i>Gadus morhua</i>	Zone:	EC waters of Subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	8 390		
Germany	4 102		
Estonia	186		
Finland	165		
Latvia	694		
Lithuania	450		
Poland	2 245		
Sweden	2 989		
EC	19 221		
TAC	19 221		Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Plaice <i>Pleuronectes platessa</i>	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		
Germany	255		
Poland	480		
Sweden	173		
EC	3 201		
TAC	3 201		Precautionary TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Atlantic salmon <i>Salmo salar</i>	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⁾		
Germany	8 401 ⁽¹⁾		
Estonia	7 674 ⁽¹⁾		
Finland	94 157 ⁽¹⁾		
Latvia	48 028 ⁽¹⁾		
Lithuania	5 646 ⁽¹⁾		
Poland	22 907 ⁽¹⁾		
Sweden	102 068 ⁽¹⁾		
EC	364 392 ⁽¹⁾		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.

⁽¹⁾ Expressed by number of individual fish.

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

⁽¹⁾ Expressed by number of individual fish.

Species:	Sprat <i>Sprattus sprattus</i>	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	44 833		
Germany	28 403		
Estonia	52 060		
Finland	23 469		
Latvia	62 877		
Lithuania	22 745		
Poland	133 435		
Sweden	86 670		
EC	454 492		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

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 Regulation (EC) No 1098/2007 applies, and
 - (b) 178 days absent from port in subdivisions 25-27, 28.2 with the exception of the period from 1 July to 31 August when Article 8 paragraph 1(b) of Regulation (EC) No 1098/2007 applies.
 - 1.2. The maximum number of days absent from port per year for which a vessel may be present within the two areas defined in point 1.1 (a) and (b) fishing with the gears referred to in point 1.1 may not exceed the maximum number of days allocated for one of the two areas.
 - 1.3. 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 Regulation (EC) No 1098/2007 that have taken place since 1 January 2005 in the areas concerned in accordance with Article 7 of Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector ⁽¹⁾.
 - 1.4. Member States wishing to benefit from the allocations described in point 1.3 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 1.1 for that Member State in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002.
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⁽¹⁾ OJ L 337, 30.12.1999, p. 10. Regulation repealed by Regulation (EC) No 1198/2006 (OJ L 223, 15.8.2006, p. 1).

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 (<i>Platichthys flesus</i>)	Subdivisions 26 to 28, 29 south of 59°30'N	15 February to 15 May
	Subdivision 32	15 February to 31 May
Turbot (<i>Psetta maxima</i>)	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 than 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.
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