

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in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (repealed)

CHAPTER II

NETS AND CONDITIONS FOR THEIR USE

SECTION I

Target species

Article 3

Target species and minimum mesh sizes

1 For each of the subdivisions listed in Annex I, the ranges of mesh size admissible for each target species shall be as defined in Annex II when fishing with trawls, Danish seines and similar gears and as defined in Annex III when fishing with gillnets, entangling nets and trammel nets. No part of the gears or nets shall have a mesh size less than the smallest mesh size within each mesh size range.

2 The minimum percentage of the target species among the living aquatic resources retained on board for each geographic subdivision and each range of mesh size is set out in Annex II and Annex III.

3 During any fishing voyage when dredges are carried on board, the retention on board and the landing of any quantity of living aquatic resources shall be prohibited unless at least 85 % of the live weight thereof consists of molluscs and/or *Furcellaria lumbricalis*.

4 The use, within a subdivision, of gillnets or entangling nets having mesh sizes smaller than those referred to in Annex III shall be prohibited.

5 The use, within a subdivision, of trammel nets with mesh size in that part of the net having the largest meshes that does not correspond to one of the categories set out in Annex III unless the mesh size in the part of the net having the smallest meshes is smaller than 16 mm shall be prohibited. If the mesh size in the smallest meshes is less than 16 mm, all meshes with a mesh size above 16 mm shall correspond to the categories set out in Annex III.

6 For each fishing voyage, landings shall be prohibited whenever the catch taken in the subdivisions listed in Annex I, and retained on board, does not comply with the corresponding conditions laid down in Annex II or Annex III.

Article 4

Calculation of percentages of target species

- 1 The percentages of target species referred to in Annexes II and III shall be calculated as the proportion by live weight of all species listed in Annexes II and III which are either retained on board after sorting or landed.
- 2 The percentage of target species and of other species shall be obtained by aggregating all quantities of target species and of other species listed in Annexes II and III retained on board.
- 3 The quantities of species listed in Annexes II and III that have been transhipped from a fishing vessel shall be taken into account when calculating the percentages of target species for that vessel.
- 4 The percentages of target species may be calculated on the basis of one or more representative samples.

SECTION II

Active gear

Article 5

Structure of fishing gear

- 1 No device shall be used which obstructs or otherwise diminishes the mesh in the codend.
- 2 By way of derogation from paragraph 1, it shall be permitted to attach to the outside of the lower half of the codend of any active gear, any canvas, netting or other material which has the purpose of preventing or reducing wear. Such material shall be attached along the forward and lateral edges of the codend only.
- 3 By way of derogation from paragraph 1, when fishing with trawls, Danish seines or similar gears with a mesh size less than 90 mm, it shall be permitted to attach to the outside of the codend a strengthening bag. The mesh size of the strengthening bag shall be at least twice as large as that of the codend and in no case less than 80 mm.

A strengthening bag may be attached at the following points:

- a at its forward edge;
- b at its rear edge; or
- c circumferentially between the rear and front part.

A strengthening bag may be laced:

- a circumferentially to the codend and the extension piece around one row of meshes; or
- b longitudinally along a single row of meshes.

- 4 By way of derogation from paragraph 1, it shall be permitted to:

- a use in active gear a non-return net or flapper. The flapper may be attached either inside the codend or in front of the codend. The provisions on minimum mesh sizes laid

- down in Annex II shall not apply to the flapper. The distance from the point of forward attachment of the flapper to the rear end of the codend shall be at least three times the length of the flapper;
- b attach to the outside of any part of the codend a sensor dedicated to the measurement of the volume of the catches;
 - c use round straps and a lifting strap attached to the outside of the codend when fishing with trawls, Danish seines or similar gears with a mesh size smaller than 90 mm;
 - d use one lifting strap attached to the outside of the codend when fishing with trawls, Danish seines or similar gears with a mesh size equal to or larger than 90 mm;
 - e attach floats on the two lateral selvages of the codend;
 - f use a back strap attached to the outside of the codend. The distance between the back strap and the codline shall be equal to or smaller than 50 cm.

Article 6

Specific prohibited structures

Use of the following shall be prohibited:

- (a) any codend in which the number of equal sized meshes around any circumference of the codend increases from the front end to the rear end;
- (b) any extension piece in which the circumference at any point is smaller than the circumference of the foremost end of the codend to which the extension piece is joined;
- (c) any codend of mesh size equal to or greater than 32 mm in which any mesh is not diamond or square;
- (d) any trawl, Danish seine or similar gear with a mesh size equal to or larger than 90 mm to which a codend is attached by any means other than being sewn into that part of the net anterior to the codend;
- (e) any trawl, Danish seine or similar gear with a mesh size equal to or larger than 90 mm having more than 100 open diamond meshes and less than 40 open diamond meshes in any circumference of the codend, excluding the joining or the selvages;
- (f) any codend where the stretched length of the top half is not approximately equal to the stretched length of the bottom half.

Article 7

Selectivity in trawl fisheries for cod

The Commission shall, on the basis of advice from the Scientific, Technical and Economic Committee for Fisheries, present to the Council not later than September 2007 an assessment of the selectivity on cod of active gears for which cod is recognised as target species.

SECTION III

Passive gear

Article 8

Dimensions and immersion time

1 Where fishing is conducted using gillnets, entangling nets or trammel nets, the use of more than 9 km of nets for vessels with an overall length of up to and including 12 m and 21 km of nets for vessels with an overall length of more than 12 m shall be prohibited.

2 The immersion time of the nets referred to in paragraph 1 shall not exceed 48 hours.

3 By way of derogation from paragraph 2, the immersion time of nets referred to in paragraph 1 when fishing under the ice cover shall not be limited.

Article 9

Restrictions on driftnets

1 From 1 January 2008 it shall be prohibited to keep on board, or use for fishing, driftnets.

2 In 2006 and 2007, a vessel may keep on board, or use for fishing, driftnets if authorised to do so by the competent authorities of the flag Member State.

3 In 2006 and 2007, the maximum number of vessels which may be authorised by a Member State to keep on board, or use for fishing, driftnets shall not exceed 40 % and 20 % respectively of the fishing vessels which used driftnets during the period 2001 to 2003.

4 By way of derogation from paragraph 3, in subdivisions 25 to 32 the maximum number of vessels which may be authorised by a Member State to keep driftnets on board or use them for fishing shall not exceed 40 % of the fishing vessels which used driftnets during the period 2001 to 2003.

5 Member States shall communicate to the Commission by 30 April each year the list of vessels authorised to carry out fishing activities using driftnets.

Article 10

Conditions for driftnets

1 The master of a fishing vessel using driftnets shall keep a logbook in which he shall record the following information on a day-to-day basis:

- a the total length of the nets on board;
- b the total length of the nets used in each fishing operation;
- c the quantity, date and position of by-catches of cetaceans.

2 All fishing vessels using driftnets shall keep on board the authorisation referred to in Article 9(2).

SECTION IV

Common provisions on gear and its use

Article 11

Determination of mesh size and twine thickness

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⁽¹⁾ shall apply.

Article 12

Reaching of required catch percentages

1 Quantities of living aquatic resources caught in excess of permitted percentages specified in Annexes II and III may not be landed but shall be returned to the sea before each landing.

2 Notwithstanding paragraph 1, whenever during a fishing voyage a vessel leaves any of the groups of subdivisions listed in Annexes II and III, the minimum percentage of target species as set out in Annexes II and III caught and retained on board from that geographical area shall be met within two hours.

Article 13

Conditions for use of gear

1 Gear that may not be used within a certain geographical area or during a certain period shall be stowed away in such a manner that it is not ready for use in the prohibited area or during the prohibited period. Reserve gear shall be stowed away separately and in such a manner that it is not ready for use.

- 2 Fishing gear shall be considered not ready for use if:
- a in the case of trawls, Danish seines and similar gears with the exception of pair trawl:
 - (i) the trawl boards are made fast to the inner or outer side of the bulwark or the gallows,
 - (ii) sweep lines or warps are unshackled from the trawl boards or weights;
 - b in the case of pair trawl, the wing tip weights are unshackled and stowed away;
 - c in the case of lines, gillnets, entangling nets and trammel nets:
 - (i) the nets are stowed under a lashed cover,
 - (ii) the lines and hooks are kept in closed boxes;
 - d in the case of purse seines, the main or bottom wire is unshackled from the seine.

3 By way of derogation from paragraph 1, where any gear is used for which cod (*Gadus morhua*) is defined as a target species in accordance with Annexes II or III, no other type of gear shall be kept on board.

Status: This is the original version (as it was originally adopted).

(1) OJ L 22, 25.1.2003, p. 5.