

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the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (repealed)

COUNCIL REGULATION (EC) No 2187/2005

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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 Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Whereas:

- (1) Pursuant to Articles 2 and 4 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(3)</sup>, the Council is to establish, taking into account available scientific, technical and economic advice, Community measures necessary to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions. To that end, the Council may adopt technical measures to limit fishing mortality and the environmental impact of fishing activities.
- (2) The accession of the Community to the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, as amended by the Protocol to the Conference of the representatives of the States Parties to the Convention (hereinafter referred to as the Gdansk Convention) was approved by Decision 83/414/EEC<sup>(4)</sup>.
- (3) Since it was established by the Gdansk Convention, the International Baltic Sea Fishery Commission (IBSFC) has adopted a body of measures for the conservation and management of fishery resources in the Baltic Sea. It notified the Contracting Parties of certain recommendations to modify those technical measures.
- (4) It is appropriate for the Community to give effect to such recommendations. However, since the IBSFC may be superseded by bilateral cooperation with the Russian Federation, the Community rules should not follow strictly those recommendations but should rather seek to establish a comprehensive and consistent system of technical measures for Community waters, based on the existing rules. There is scope for simplification in some cases where the existing rules are unnecessarily detailed and/or cannot be justified for the conservation of resources.

- (5) Regulation (EC) No 88/98<sup>(5)</sup> laid down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound.
- (6) The application of Regulation (EC) No 88/98 has brought to light certain deficiencies in that Regulation which have resulted in problems of application and enforcement and which should be rectified, notably by defining target species and required catch percentages applicable for different mesh size ranges and geographical areas when fishing with certain gears.
- (7) The manner in which the percentages of target species and of other species are to be calculated should be defined.
- (8) The minimum size of each species should be fixed taking into account the selectivity of the mesh size of the fishing gear which can be used for that species.
- (9) Scientific information indicates that there are large by-catches of juvenile cod in eel fishery with trawls. The fishing of eel with active gear should therefore be prohibited.
- (10) The Gulf of Riga is a unique and rather sensitive marine ecosystem which requires special measures to ensure sustainable exploitation of its resources and to minimise the impact of fishing activities. Article 21 of the 2003 Act of Accession, therefore, provides that the Council is to amend Regulation (EC) No 88/98 before the date of accession with a view to adopting the necessary conservation measures in the Gulf of Riga.
- (11) In order to control fishing activities, access to the Gulf of Riga should be subject to special fishing permits as referred to in Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits<sup>(6)</sup>.
- (12) Scientific information indicates that, for cod, towed gears without exit window and with normal diamond knotted netting in the codend and the extension piece are less selective than those with the BACOMA type exit window or where the netting in the codend and extension piece is turned 90°. It is therefore appropriate not to allow, within Community waters and for Community vessels, the use of towed gears without the BACOMA type exit window or without the netting in the codend and extension piece being turned 90° when cod is a target species.
- (13) Regulation (EC) No 1434/98<sup>(7)</sup> laid down conditions under which herring may be landed for industrial purposes other than direct human consumption.
- (14) In order to simplify the complex rules of Regulation (EC) No 1434/98, the provisions of that Regulation that are of relevance for the Baltic Sea should be replaced by general provisions on unsorted landings in this Regulation. Regulation (EC) No 1434/98 should be amended accordingly.
- (15) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(8)</sup>.
- (16) Amendments to Annex I and to Appendices 1 and 2 to Annex II to this Regulation should also be adopted in accordance with Decision 1999/468/EC.

- (17) By reason of the number and scope of the changes to be made to the rules, Regulation (EC) No 88/98 should be repealed and replaced by a new text,

HAS ADOPTED THIS REGULATION:

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

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- (1) [OJ C 125, 24.5.2005, p. 12.](#)
- (2) Opinion delivered on 13 October 2005 (not yet published in the Official Journal).
- (3) [OJ L 358, 31.12.2002, p. 59.](#)
- (4) [OJ L 237, 26.8.1983, p. 4.](#)
- (5) [OJ L 9, 15.1.1998, p. 1.](#) Regulation as last amended by Regulation (EC) No 289/2005 ([OJ L 49, 22.2.2005, p. 1.](#)).
- (6) [OJ L 171, 6.7.1994, p. 7.](#)
- (7) [OJ L 191, 7.7.1998, p. 10.](#)
- (8) [OJ L 184, 17.7.1999, p. 23.](#)