

ANNEX III

TRANSITIONAL TECHNICAL AND CONTROL MEASURES

PART A

BALTIC SEA

Section 1

Cod fishery

1. Conditions for certain gears authorised for cod fishery in the Baltic Sea

1.1. Towed nets

1.1.1. Without exit windows

Towed nets without an exit window shall be prohibited.

1.1.2. With exit windows

By way of derogation from the provisions of special selectivity devices in Annex V to Regulation (EC) No 88/98, the provisions in Appendix 1 to this Annex shall apply.

1.1.3. One net rule

When a towed net with exit windows is used, no other type of gear shall be kept on board.

1.2. Gillnets

By way of derogation from the provisions of Annex IV to Regulation (EC) No 88/98, the minimum mesh size for gillnets shall be 110 mm.

The nets shall not exceed a maximum length of 12 km for vessels with an overall length of up to and including 12 m.

The nets shall not exceed a maximum length of 24 km for vessels with an overall length of more than 12 m.

The soaking time of the nets shall not exceed 48 hours counting from the time the nets are first put in the water to the time when the nets are fully recovered on board the fishing vessel.

2. By-catch of cod in the Baltic Sea

2.1. By way of derogation from the provisions of Article 3(4) of Regulation (EC) No 88/98, no undersized cod may be kept on board, except in the case set out in point 2.2.

2.2. However, by way of derogation from the provisions of Article 3(5) of Regulation (EC) No 88/98, the by-catch of cod taken when fishing for herring and sprat with mesh sizes of 32 mm or smaller shall not exceed 3 % by weight. Of this by-catch, no more than 5 % of undersized cod shall be kept on board.

2.3. By-catches of cod may not exceed 10 % when fishing for other species than herring and sprat with trawls and Danish seines other than those referred to in point 1.1.2.

3. Minimum size for cod in the Baltic Sea

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By way of derogation from the provisions laid down in Annex III to Regulation (EC) No 88/98, the minimum size for cod shall be 38 cm.

4. Summer ban for Baltic cod

Fishing for cod shall be prohibited in Sub-divisions 22-24 from 1 March 2005 to 30 April 2005 inclusive, and in Sub-divisions 25-32 from 1 May 2005 to 15 September 2005 inclusive.

5. Restrictions for fishing for cod in the Baltic Sea

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

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

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

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

6. Interim and additional conditions for monitoring, inspection and surveillance in the context of recovery of cod stocks in the Baltic Sea

6.1. General provisions

6.1.1. The monitoring inspection and surveillance programme for cod stocks in the Baltic Sea shall consist of the following elements:

Special conditions for fishing for cod in the Baltic Sea.

National control action programmes to be drawn up by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden.

Additional measures for monitoring, control and inspection.

Joint surveillance and exchange of inspectors.

- 6.1.2. The National control action programme for cod stocks may be revised, at the initiative of the Commission or following a request by a Member State.
- 6.2. Special Conditions for fishing for cod in the Baltic Sea
 - 6.2.1. All vessels of overall length equal to or greater than 8 metres carrying on board or using any gear authorised for fishing for cod in the Baltic Sea shall hold a special permit for fishing for cod in the Baltic Sea.
 - 6.2.2. Each Member State shall establish a list of vessels holding a special permit for fishing for cod in the Baltic Sea.
 - 6.2.3. The master of a fishing vessel, or his representative, to which a Member State has issued a special permit for fishing for cod in the Baltic Sea shall comply with the conditions in Appendix 2.
- 6.3. National Control Action programmes
 - 6.3.1. Each Member State concerned shall define a national control action programme for the Baltic Sea.
 - 6.3.2. The Commission shall convene at least once in 2005 a meeting of the Committee for Fisheries and Aquaculture to evaluate the compliance with and results of the national control action programme for cod stocks in the Baltic Sea.
- 6.4. Monitoring, inspection and surveillance to be adopted by Member States
 - 6.4.1. Each Member State concerned shall transmit to the Commission within 30 days of the date of entry into force of this Regulation a list of designated ports and the national control programme referred to in point 6.3.1. and an implementation schedule. The Commission shall transmit this information to all the relevant Member States.
 - 6.4.2. Notwithstanding Article 6(4) of Regulation (EEC) No 2847/93, the masters of Community fishing vessels holding a special fishing permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1 shall keep a logbook of their operations in accordance with the provisions laid down in Article 6 of Regulation (EEC) No 2847/93.
 - 6.4.3. By way of derogation from Article 5 of Regulation (EEC) No 2807/83, the permitted margin of tolerance in estimates of the quantities, in kilograms, of fish subject to a TAC that are retained on board shall be 8 %.
 - 6.4.4. For cod landed in a designated port, representative samples, amounting to at least 20 % of the landings, shall be weighed in the presence of controllers authorised by the Member States before they are offered for first sale and sold. To this end, the Member States shall submit to the Commission, within one month of the date of entry into force of this Regulation, details of the sampling regime to be employed.
 - 6.4.5. Notwithstanding Article 19a 1a) of Regulation (EEC) No 2847/93, Articles 19e, 19f, 19g, 19h and 19i of that Regulation shall apply to Community fishing vessels holding a special fishing permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1.
 - 6.4.6. In accordance with the provisions of Article 13 of Regulation (EC) No 2244/2003 Member States shall ensure that the VMS data received pursuant to Article 8, Article

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10(1) and Article 11(1) of that Regulation of vessels holding a special permit for fishing for cod in the Baltic Sea are used:

- (a) to record each entry into, and exit from port in a computer readable form;
 - (b) to record each entry into, and exit from areas closed for cod fishing in the Baltic Sea.
- 6.4.7. Member States may implement alternative control measures to ensure compliance with reporting obligations referred in point 6.4.5 which are as effective and transparent as these reporting obligations. Such alternative measures shall be notified to the Commission before being implemented.
- 6.4.8. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, quantities greater than 50 kg of cod which are transported to a place other than that of landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of Regulation (EEC) No 2847/93 pertaining to the quantities of these species transported. The exemption provided for in Article 13(4)(b) of Regulation (EEC) No 2847/93 shall not apply.
- 6.4.9. By way of derogation from Article 34(c)(1) of Regulation (EEC) No 2847/93, the specific monitoring programme for cod in the Baltic Sea may last more than two years from their date of entry into force.
- 6.5. Joint Surveillance and Exchange of inspectors
- 6.5.1. The Member States concerned shall undertake joint inspection and surveillance activities and shall establish to that effect joint operational procedures applicable to their surveillance crafts.
- 6.5.2. A meeting of the competent national inspection authorities shall be convened by the Presidency within 30 days of the date of entry into force of this Regulation to coordinate the joint inspection and surveillance programme.
- 6.5.3. The Member States concerned shall ensure that inspectors from other Member States concerned are invited to participate at least in their joint inspections activities.
- 6.5.4. Inspectors from the Commission may participate in these exchanges and may participate in joint inspections.