

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.9.2008
COM(2008) 539 final

Proposal for a

COUNCIL REGULATION

fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2009

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Objectives of the proposal**

The objective of this proposal is to fix, for the commercially most important fish stocks in the Baltic Sea, the fishing opportunities for Member States for 2009.

- **General context**

In accordance with Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, the CFP seeks to ensure that living aquatic resources are exploited under sustainable economic, environmental and social conditions. One important tool in this respect is the annual fixing of fisheries opportunities in the form of total allowable catches (TACs), quotas and fishing effort limits.

With a view to simplification and clarification, fishing opportunities in the Baltic Sea were fixed for the first time by a separate Regulation for 2006: 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 in the Baltic Sea for 2006.

The scientific advice on fishing opportunities in the Baltic Sea in 2009 was delivered by the International Council for the Exploration of the Sea (ICES) in May 2008 and by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2008.

The proposal contains three sections of importance for the management of the Baltic fisheries in 2009: one section fixing the TACs and quotas, a second limiting the fishing effort, and a third laying down associated technical measures.

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

Fishing opportunities and the way they are allocated to Member States are regulated annually. The latest is 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.

Of relevance to fisheries management in the Baltic Sea is also 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.

Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 outlines the control and monitoring measures for rebuilding the cod stocks in question. It also lays down the rules for setting the TACs for the Western and the Eastern cod stocks and the associated fishing effort limitations.

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

The proposed measures are in accordance with the objectives of the Common Fisheries Policy and are consistent with the Community's policy on sustainable development.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

• Collection and use of expertise

Main organisations/experts consulted

The scientific organisations consulted were the International Council for the Exploration of the Seas (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF).

The Community asks ICES and STECF each year for scientific advice on the state of important fish stocks. The advice received covers all Baltic stocks for which TACs are proposed except plaice for which no advice is given this year. The proposed TACs are based on the advice but do not necessarily follow the advice to the letter. Given the Commission's intention to ensure the sustainable use of fishery resources while maintaining stable fishing opportunities, changes in TACs are limited to no more than 15% from one year to the next unless the status of a stock requires stronger measures. Where a stock is subject to a management plan the proposed TAC is in accordance with the plan.

For cod stocks the proposed TACs reflect the gradual approach applied in the multi-annual plan for cod stocks in the Baltic Sea and the fisheries exploiting those stocks. The central element of the plan is a gradual reduction in fishing effort to long-term sustainable levels that will ensure recovery of the stocks and provide high and stable yields.

With regard to salmon stocks in the Baltic Sea, additional management measures in marine and inland waters are required in order to facilitate efficient recovery of the stocks where necessary. It is therefore intended to develop a salmon management plan in 2008.

• Consultation of interested parties

The sections on limiting the fishing effort and on laying down associated technical measures are in accordance with the decisions taken in the Council in December 2006 on Council Regulation (EC) No 1941/2006 of 11 December 2006 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007, and Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks. Both regulations have been subject to consultations with stakeholders: the fishing industry, NGO's dealing with fisheries issues, and Member States concerned in 2005 and 2006.

The Baltic RAC was consulted at its Joint Working Group meeting and its Executive Committee meeting in June 2008 on the basis of the policy statement by the Commission on fishing opportunities for 2009. The scientific basis for the proposal was provided by ICES and STECF. DG MARE presented the rules it would follow for setting TACs and quotas for 2009 on the basis of the policy statement. The preliminary views expressed during these meetings and the subsequent written recommendations on all fish stocks concerned, were considered and taken into account as appropriate in the proposal.

• Impact assessment

The proposed measures will, if implemented, result in an overall decrease in fishing opportunities for Community vessels in the Baltic Sea of around 15% for all species considered. For several herring stocks and sprat the reduction is based on lower recruitment to the stocks. The economically most significant reductions are the TAC for Western Baltic cod in accordance with the multi-annual plan and Western Baltic herring in response to the stock

being outside safe biological limits and the further decline expected in the following year. The TAC for Eastern Baltic cod has been increased in accordance with the multi-annual plan.

The proposal reflects not only short-term concerns but is also part of a longer-term approach whereby the level of fishing is gradually reduced to long-term sustainable levels.

The approach taken in the proposal will therefore in the medium to long term, result in reduced fishing effort but stable or increasing quotas in the long-term. The long-term consequences of the approach are therefore expected to be a reduced impact on the environment as a consequence of the decline in fishing effort, reductions in the catching sector in terms of number of vessels and/or in the average fishing effort per vessel, and unchanged or increased landings. The sustainability of fishing activities will increase in the long-term.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Legal basis**

The legal basis for this proposal is Council Regulation (EC) No 2371/2002, and in particular Article 20 thereof; Council Regulation (EC) No 847/1996, and in particular Article 2 thereof; and Council Regulation (EC) No 1098/2007, and in particular Article 5 and 8(3) thereof.

4. BUDGETARY IMPLICATION

The proposal has no implications for the Community budget.

5. ADDITIONAL INFORMATION

- Detailed Explanation

The proposal fixes for 2009 the fishing opportunities and associated conditions for certain stocks or groups of stocks for Member States fishing in the Baltic Sea.

The TACs and quotas allocated to Member States are given in Annex I. The proposed figures reflect the scientific advice and the framework for setting the TACs and quotas outlined in the Communication from the Commission to the Council and the European Parliament about a Policy Statement from the European Commission on Fishing Opportunities for 2009.

The TACs and quotas for the two cod stocks are closely linked to the fishing effort limits laid down in Annex II.

The technical measures in Annex III represent additional measures for managing the fishery for flounder and turbot.

Proposal for a

COUNCIL REGULATION

fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2009

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 Policy¹, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/1996 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas², and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks³, and in particular Article 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 (STECF), as well as in the light of any advice received from the Baltic Sea Regional Advisory Council (BSRAC).
- (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 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 for the allocation of fishing opportunities.

¹ OJ L 358, 31.12.2002, p. 59. Regulation as last amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

² OJ L 115, 9.5.1996, p. 3. Regulation as last amended by Regulation (EC) 338/2008 (OJ L 107, 17.4.2008, p. 1)

³ OJ L 248, 22.9.2007, p. 1.

- (6) In accordance with Article 2 of Council Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.
- (7) Fishing opportunities should be used in accordance with Community legislation, and in particular with Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels⁴, Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish⁵, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁶, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems⁷, and Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels⁸, 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 Atlantic⁹, 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 Sound¹⁰ and Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks¹¹.
- (8) To ensure that annual fishing opportunities are set at a level commensurate with the sustainable exploitation of resources in environmental, economic and social terms, account has been taken of the guiding principles for fixing TACs as described in the Communication from the Commission on fishing opportunities for 2009: Policy Statement from the European Commission¹².
- (9) To help conserve fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2009.
- (10) To ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2009. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community.

⁴ OJ L 132, 21.5.1987, p. 9.

⁵ OJ L 276, 10.10.1983 p. 1. Regulation as last amended by Regulation (EC) No 804/2005 (OJ L 290, 4.11.2005, p. 10).

⁶ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1559/2007 (OJ L 340, 22.12.2007, p. 8).

⁷ OJ L 333, 20.12.2003, p. 17.

⁸ 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).

⁹ OJ L 365, 31.12.1991, p. 1. Regulation as last amended by Regulation (EC) No 448/2005 (OJ L 74, 19.3.2005, p. 5).

¹⁰ OJ L 16, 20.1.2005, p. 184 Regulation as last amended by Regulation (EC) No 809/2007 (OJ L 182, 12.7.2007, p. 1).

¹¹ OJ L 248, 22.9.2007, p. 1

¹² COM(2008)331 final

HAS ADOPTED THIS REGULATION:

CHAPTER I

Scope and definitions

Article 1

Subject matter

This Regulation fixes fishing opportunities for 2009 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.

Article 2

Scope

1. This Regulation shall apply to Community fishing vessels (Community vessels) 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 Subdivisions 22-32;
- (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 2010, 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;
 - 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, if the Community share has not been allocated among Member States by quotas, 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.

Article 7
Fishing effort limits

Fishing effort limits are set out in Annex II.

1. Those limits shall apply to ICES Subdivisions 27, and 28.2 insofar as the Commission has not taken a decision in accordance with Article 29(2) of Regulation (EC) No 1098/2007 to exclude those Subdivisions from the restrictions provided for in Article 8(1)(b), (3), (4) and (5) and Article 13 of that Regulation.
2. Those limits shall not apply to ICES Subdivision 28.1 insofar as the Commission has not taken a decision in accordance with Article 29(4) of Regulation (EC) No 1098/2007 that the restrictions provided for in Article 8(1)(b), (3), (4) and (5) of Regulation (EC) No 1098/2007 shall apply to that Subdivision.

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 pursuant to Article 15(1) of Regulation (EEC) No 2847/93 relating to landings of quantities of stocks caught , 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 2009.

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

Catch 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>	FLX	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 30-31 HER/3D30.; HER/3D31.
Finland	60 643	Analytical TAC.	
Sweden	13 324	Article 3 of Regulation (EC) No 847/96 applies.	
EC	73 967	Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	73 967		

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	2 299	Analytical TAC.	
Germany	9 048	Article 3 of Regulation (EC) No 847/96 does not apply.	
Finland	1	Article 4 of Regulation (EC) No 847/96 does not apply.	
Poland	2 134	Article 5(2) of Regulation (EC) No 847/96 applies.	
Sweden	2 918		
EC	16 400		
TAC	16 400		

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	3 159	Analytical TAC.	
Germany	838	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	16 134	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	31 493	Article 5(2) of Regulation (EC) No 847/96 applies	
Latvia	3 982		
Lithuania	4 192		
Poland	35 779		
Sweden	48 032		
EC	143 609		
TAC	Not relevant		

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivision 28.1 HER/03D.RG
Estonia	16 113	Analytical TAC.	
Latvia	18 779	Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies.	
EC	34 892	Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	34 892		

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	10 241	Analytical TAC.	
Germany	4 074	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	998	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	784	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	3 808		
Lithuania	2 509		
Poland	11 791		
Sweden	10 375		
EC	44 580		
TAC	Not relevant		

Species:	Cod <i>Gadus morhua</i>	Zone:	EC waters of Subdivisions 22 –24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	7 130	Analytical TAC.	
Germany	3 487	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	158	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	140	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	590		
Lithuania	383		
Poland	1 908		
Sweden	2 541		
EC	16 337		
TAC	16 337		

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	1 949	Precautionary TAC.	
Germany	217	Article 3 of Regulation (EC) No 847/96 applies.	
Poland	408	Article 4 of Regulation (EC) No 847/96 does not apply.	
Sweden	147	Article 5(2) of Regulation (EC) No 847/96 applies.	
EC	2 721		
TAC	2 721		

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	64 184 (1)	Analytical TAC.	
Germany	7 141 (1)	Article 3 of Regulation (EC) No 847/96 does not apply.	
Estonia	6 523 (1)	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	80 033 (1)	Article 5(2) of Regulation (EC) No 847/96 applies.	
Latvia	40 824 (1)		
Lithuania	4 799 (1)		
Poland	19 471 (1)		
Sweden	86 758 (1)		
EC	309 733 (1)		
TAC	Not relevant		

(1) Expressed by number of individual fish.

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Subdivision 32 SAL/3D32.
Estonia	1 344 (1)	Analytical TAC.	
Finland	11 762 (1)	Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.	
EC	13 106 (1)	Article 5(2) of Regulation (EC) No 847/96 applies.	
TAC	Not relevant		

(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	38 108	Analytical TAC.
Germany	24 142	Article 3 of Regulation (EC) No 847/96 does not apply.
Estonia	44 251	Article 4 of Regulation (EC) No 847/96 does not apply.
Finland	19 948	Article 5(2) of Regulation (EC) No 847/96 applies.
Latvia	53 445	
Lithuania	19 333	
Poland	113 422	
Sweden	73 669	
EC	386 318	
TAC	Not relevant	

ANNEX II

Fishing effort limits

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) 201 days absent from port in subdivisions 22-24 with the exception of the period from 1 to 30 April when Article 8(1) (a) of Regulation (EC) No 1098/2007 applies, and
- (b) 160 days absent from port in subdivisions 25–28 with the exception of the period from 1 July to 31 August when Article 8(1) (b) of Regulation (EC) No 1098/2007 applies.

ANNEX III
Transitional technical measures

Restrictions on fishing for flounder and turbot

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 Subdivision 32	15 February to 15 May 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 point 1.

[...]