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EUROPEAN COMMISSION

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Proposal for a

**REGULATION (EU) No .../... OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

of

**amending Council Regulation (EC) No 2187/2005 as regards the prohibition of
highgrading and restrictions on fishing for flounder and turbot in the Baltic Sea, the
Belts and the Sound.**

EXPLANATORY MEMORANDUM

Council Regulation (EC) No 2187/2005 sets specific technical measures for the conservation of fishery resources in the Baltic Sea, the Belts and the Sound. This Regulation provides specific provisions relating to size and type of all components of fishing gears, including mesh sizes, among other measures.

Council Regulation (EC) No 1226/2009 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010 has provisions related to technical measures, namely article 7 on the prohibition of highgrading and in Annex III on the restrictions on fishing for flounder and turbot.

In light of the Lisbon Treaty, amending Council Regulation (EC) No 2187/2005 is therefore needed solely to move the provisions regarding technical measures out of the regulatory framework establishing annual fishing opportunities.

Proposal for a

REGULATION (EU) No .../... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

amending Council Regulation (EC) No 2187/2005 as regards the prohibition of highgrading and restrictions on fishing for flounder and turbot in the Baltic Sea, the Belts and the Sound.

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular article 43(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion from the European Economic and Social Committee,

After transmission of the proposal to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 2187/2005¹ sets specific technical measures for the conservation of fishery resources in the Baltic Sea, the Belts and the Sound, and in particular restrictions on fishing for certain species, sizes and areas.
- (2) Council Regulation (EC) No 1226/2009 of 20 November 2009 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010² provides in Article 7 for the prohibition of highgrading and in Annex III for restrictions on fishing for flounder and turbot.
- (3) Those technical measures provided for in Regulation (EC) No 1226/2009 should be incorporated into Council Regulation (EC) No 2187/2005 as from January 2011 since, in the light of the entry in to force of the Lisbon Treaty, there is a need to move technical measures out of the regulatory framework establishing annual fishing opportunities and, furthermore, since they are of a permanent nature.
- (4) Regulation (EC) No 2187/2005 should therefore be amended accordingly,

¹ OJ L 349, 31.12.2005, p. 1.

² OJ L 330, 16.12.2009, p. 1.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2187/2005 is amended as follows:

- (1) The following Article 15a is inserted:

"Article 15a

Prohibition of highgrading

Any species subject to quota which is caught during fishing operations shall be brought aboard the vessel and subsequently landed unless this would be contrary to obligations laid down in EU fisheries legislation establishing technical, control and conservation measures and in particular in this Regulation, in Regulation (EC) No 2371/2002 and in Council Regulation (EC) No 1224/2009³.

- (2) The following Article 18a is inserted:

"Article 18a

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, 27, 28 and 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, 26 and 28 south of 56°50'N	1 June to 31 July

2. By way of derogation from paragraph 1, when fishing with trawls, Danish seines or 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 paragraph 1."

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication.

³ OJ L 343, 22.12.2009, p. 1

It shall apply from 1 January 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President