

REGULATIONS

COUNCIL REGULATION (EU) No 1088/2012

of 20 November 2012

fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy⁽¹⁾ requires that measures governing access to waters and resources and the sustainable pursuit of fishing activities be established taking into account available scientific, technical and economic advice and, in particular, the report drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) as well as in the light of any advice received from Regional Advisory Councils.
- (2) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities by fishery or group of fisheries, including certain conditions functionally linked thereto, as appropriate. Fishing opportunities should be distributed among Member States in such a way as to assure each Member State relative stability of fishing activities for each stock or fishery with due regard to the objectives of the common fisheries policy established in Regulation (EC) No 2371/2002.
- (3) The total allowable catches (TACs) should be established on the basis of the available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of opinions expressed during the consultation of stakeholders, in particular at meetings with the Advisory Committee on Fisheries and Aquaculture and the Regional Advisory Councils concerned.
- (4) For stocks subject to specific multiannual plans, the fishing opportunities should be established in accordance with the rules laid down in those plans. Consequently, catch limits and fishing effort limits for the cod stocks in the Baltic Sea should be established in accordance with the rules laid down in 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⁽²⁾ ('the Baltic Sea Cod Plan').
- (5) In the light of the most recent scientific advice, flexibility in the management of the fishing effort for cod stocks in the Baltic Sea can be introduced without jeopardising the objectives of the Baltic Sea Cod Plan and without causing an increase in fishing mortality. Such flexibility would allow for more efficient management of the fishing effort where quotas are not allocated equally among the fleet of a Member State and would facilitate swift reactions to quota exchanges. A Member State should, therefore, be allowed to allocate to vessels flying its flag additional days absent from port where an equal amount of days absent from port is withdrawn from other vessels flying the flag of that Member State.
- (6) The use of fishing opportunities as set out in this Regulation should be subject to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy⁽³⁾, and in particular provisions concerning the recording of catches and fishing effort and the information on data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes relating to landings of stocks subject to this Regulation which are to be used by the Member States when sending data to the Commission.
- (7) In accordance with Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁽⁴⁾, the stocks that are subject to the various measures referred to therein must be identified.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 248, 22.9.2007, p. 1.

⁽³⁾ OJ L 343, 22.12.2009, p. 1.

⁽⁴⁾ OJ L 115, 9.5.1996, p. 3.

- (8) In order to avoid interruption of fishing activities and to ensure the livelihoods of Union fishermen, it is important to open the fisheries in question as from 1 January 2013. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation fixes the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea for 2013.

Article 2

Scope

This Regulation shall apply to Union vessels operating in the Baltic Sea.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (a) 'International Council for the Exploration of the Sea (ICES) zones' means the geographical areas specified in Annex I to 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 ⁽¹⁾;
- (b) 'Baltic Sea' means ICES Subdivisions 22-32;
- (c) 'Union vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (d) 'total allowable catch' (TAC) means the quantity that can be taken from each stock each year;
- (e) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (f) 'day absent from port' means any continuous period of 24 hours or part thereof during which a vessel is absent from port.

CHAPTER II

FISHING OPPORTUNITIES

Article 4

TACs and allocations

The TACs, the quotas and the conditions functionally linked thereto, where appropriate, are set out in Annex I.

Article 5

Special provisions on allocations

1. The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- (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 Articles 37, 105, 106 and 107 of Regulation (EC) No 1224/2009.

2. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC, and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.

Article 6

Conditions for landing catches and by-catches

Fish from stocks for which catch limits are established shall be retained on board or landed only if the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted.

Article 7

Fishing effort limits

1. Fishing effort limits are set out in Annex II.
2. The limits referred to in paragraph 1 shall also apply to ICES Subdivisions 27 and 28.2, unless the Commission has 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), Article 8(3), (4) and (5), and Article 13 of that Regulation.
3. The limits referred to in paragraph 1 shall not apply to ICES Subdivision 28.1, unless the Commission has 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), and Article 8(3), (4) and (5) of Regulation (EC) No 1098/2007 shall apply to that Subdivision.

⁽¹⁾ OJ L 349, 31.12.2005, p. 1.

CHAPTER III

FINAL PROVISIONS*Article 8***Data transmission**

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

*Article 9***Entry into force**

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2013.

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

Done at Brussels, 20 November 2012.

For the Council
The President
A. D. MAVROYIANNIS

ANNEX I

TACs APPLICABLE TO UNION VESSELS IN AREAS WHERE TACs 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, and conditions functionally linked thereto, where appropriate.

The references to fishing zones are references to ICES zones, unless otherwise specified.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species.

For the purposes of this Regulation, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
<i>Clupea harengus</i>	HER	Herring
<i>Gadus morhua</i>	COD	Cod
<i>Pleuronectes platessa</i>	PLE	Plaice
<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	86 905
Sweden	19 095
Union	106 000
TAC	106 000
	Analytical TAC

Species: Herring <i>Clupea harengus</i>	Zone: Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	3 617
Germany	14 234
Finland	2
Poland	3 357
Sweden	4 590
Union	25 800
TAC	25 800
	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

Species: Herring <i>Clupea harengus</i>		Zone: Union waters of Subdivisions 25-27, 28.2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.2; HER/3D29.; HER/3D32.
Denmark	1 984	
Germany	526	
Estonia	10 131	
Finland	19 776	
Latvia	2 500	
Lithuania	2 633	
Poland	22 468	
Sweden	30 162	
Union	90 180	
TAC	Not relevant	Analytical TAC
Species: Herring <i>Clupea harengus</i>		Zone: Subdivision 28.1 HER/03D.RG
Estonia	14 120	
Latvia	16 456	
Union	30 576	
TAC	30 576	Analytical TAC
Species: Cod <i>Gadus morhua</i>		Zone: Union waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	14 143	
Germany	5 626	
Estonia	1 378	
Finland	1 082	
Latvia	5 259	
Lithuania	3 464	
Poland	16 285	
Sweden	14 328	
Union	61 565	
TAC	Not relevant	Analytical TAC

Species: Cod <i>Gadus morhua</i>		Zone: Subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	8 749	
Germany	4 277	
Estonia	194	
Finland	172	
Latvia	724	
Lithuania	469	
Poland	2 341	
Sweden	3 117	
Union	20 043	
TAC	20 043	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Species: Plaice <i>Pleuronectes platessa</i>		Zone: Union waters of Subdivisions 22-32 PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 443	
Germany	271	
Poland	511	
Sweden	184	
Union	3 409	
TAC	3 409	Precautionary TAC

Species: Atlantic salmon <i>Salmo salar</i>		Zone: Union waters of Subdivisions 22-31 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	22 538 ⁽¹⁾	
Germany	2 508 ⁽¹⁾	
Estonia	2 291 ⁽¹⁾	
Finland	28 103 ⁽¹⁾	
Latvia	14 335 ⁽¹⁾	
Lithuania	1 685 ⁽¹⁾	
Poland	6 837 ⁽¹⁾	
Sweden	30 465 ⁽¹⁾	
Union	108 762 ⁽¹⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Expressed by number of individual fish.

Species: Atlantic salmon <i>Salmo salar</i>		Zone: Union waters of Subdivision 32 SAL/3D32.
Estonia	1 581 ⁽¹⁾	
Finland	13 838 ⁽¹⁾	
Union	15 419 ⁽¹⁾	
TAC	Not relevant	Precautionary TAC

⁽¹⁾ Expressed by number of individual fish.

Species: Sprat <i>Sprattus sprattus</i>	Zone: Union waters of Subdivisions 22-32 SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	24 659 ⁽¹⁾
Germany	15 622 ⁽¹⁾
Estonia	28 634 ⁽¹⁾
Finland	12 908 ⁽¹⁾
Latvia	34 583 ⁽¹⁾
Lithuania	12 510 ⁽¹⁾
Poland	73 392 ⁽¹⁾
Sweden	47 670 ⁽¹⁾
Union	249 978
TAC	Not relevant
	Analytical TAC

⁽¹⁾ At least 92 % of landings counted against the quota must be of sprat. By-catches of herring are to be counted against the remaining 8 % of the quota (HER/*3BCDC).

ANNEX II

FISHING EFFORT LIMITS

1. Member States shall allocate the right to vessels flying their flag and 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, to be up to:
 - (a) 163 days absent from port in ICES 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 ICES 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.
2. The maximum number of days absent from port per year for which a vessel may be present within the two areas referred to in point 1(a) and (b) fishing with the gear specified in point 1 may not exceed the maximum number of days absent from port allocated for one of these two areas.
3. By way of derogation from points 1 and 2, and where efficient management of fishing opportunities so requires, a Member State may allocate to vessels flying its flag the right to additional days absent from port where an equal amount of days absent from port is withdrawn from other vessels flying its flag that are subject to effort restriction in the same area and where the capacity, in terms of kW, of each of the donor vessels is equal to, or larger than, that of the receiving vessels. The number of receiving vessels may not exceed 15 % of the total number of vessels of the Member State concerned, as indicated in point 1.