Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea

COUNCIL REGULATION (EU) No 1124/2010

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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) According to Article 43(3) of the Treaty, the Council, on a proposal from the Commission, should adopt measures on the fixing and allocation of fishing opportunities.

(2) 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 advice and, in particular, the report drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF).

(3) 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 and having due regard to the objectives of the common fisheries policy established in Regulation (EC) No 2371/2002.

(4) The total allowable catches (TACs) should be established on the basis of the available scientific advice, by taking into account the biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in light of the opinions expressed during the consultation of stakeholders, in particular at the meetings with the Advisory Committee on Fisheries and Aquaculture and the concerned Regional Advisory Councils.

(5) For stocks subject to specific multiannual plans, the fishing opportunities should be established in accordance with the rules laid down in these 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

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1124/2010. (See end of Document for details)*

18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks[(2)].

(6) The use of fishing opportunities set out in this Regulation is 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 to Articles 33 and 34 thereof concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities respectively. It is therefore necessary to specify the codes to be used by the Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.

(7) In accordance with Article 2 of 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.

(8) To ensure the livelihood of Union fishermen, it is important to open these fisheries on 1 January 2011,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea.

Article 2

Scope

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

Article 3

Definitions

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

(a) the International Council for the Exploration of the Sea (ICES) zones are 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[(5)];

(b) ‘Baltic Sea’ means ICES Subdivisions 22-32;

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(c) 'EU 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 the vessel is absent from port.

CHAPTER II

FISHING OPPORTUNITIES

Article 4

TACs and allocations

The TACs, the allocation of such TACs among Member States, 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 precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation to stocks subject to 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:

(a) the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or

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(b) the catches consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been 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 in so far 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.

3 The limits referred to in paragraph 1 shall not apply to ICES Subdivision 28.1 in so far 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.

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 2011.

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

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) No 1124/2010. (See end of Document for details)*

ANNEX I

TACS APPLICABLE TO EU 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. The following table of correspondences of Latin names and common names is given for the purposes of this Regulation:

Scientific name	Alpha-3 code	Common name
Clupea harengus	HER	Herring
Gadus morhua	COD	Cod
Pleuronectes platessa	PLE	Plaice
Salmo salar	SAL	Atlantic salmon
Sprattus sprattus	SPR	Sprat

SpeciesHerring*Clupea harengus*		**ZoneSubdivisions 30-31HER/3D30.; HER/3D31.**
Finland	85 568	Analytical TAC
Sweden	18 801	
EU	104 369	
TAC	104 369	

SpeciesHerring*Clupea harengus*		**ZoneSubdivisions 22-24HER/3B23.; HER/3C22.; HER/3D24.**
Denmark	2 227	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Germany	8 763	
Finland	1	
Poland	2 067	
Sweden	2 826	
EU	15 884	
TAC	15 884	

SpeciesHerring*Clupea harengus*	**ZoneEU waters of Subdivisions 25-27, 28.2, 29 and 32HER/3D25.; HER/3D26.;**