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PECHE 365

## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	30 August 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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No. Cion doc.:	COM(2019) 380 final
Subject:	Proposal for a COUNCIL REGULATION fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124, as regards certain fishing opportunities in other waters

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Delegations will find attached document COM(2019) 380 final.

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Encl.: COM(2019) 380 final



Brussels, 30.8.2019  
COM(2019) 380 final

2019/0175 (NLE)

Proposal for a

## **COUNCIL REGULATION**

**fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124, as regards certain fishing opportunities in other waters**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

In accordance with Regulation (EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy (CFP), the exploitation of living marine biological resources shall restore and maintain populations of harvested species above levels which can produce the maximum sustainable yield (MSY). One important tool in this respect is the annual fixing of fishing opportunities in the form of total allowable catches (TACs) and quotas.

Regulation (EU) 2016/1139 of 6 July 2016 establishing a multiannual management plan for the stocks of cod, herring and sprat in the Baltic sea and the fisheries exploiting those stocks further specifies the values of fishing mortalities expressed as ranges which are used in this proposal in order to reach the objectives of the CFP, especially reaching and maintaining the MSY.

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 2020. With a view to simplifying and clarifying the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate Regulation since 2006.

- **Consistency with existing policy provisions in the policy area**

The proposal establishes quotas at the levels consistent with the objectives of Regulation (EU) No 1380/2013 of 11 December 2013 on the Common Fisheries Policy.

- **Consistency with other Union policies**

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

### 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union's exclusive competence as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle for the following reasons.

The Common Fisheries Policy is a common policy. According to Article 43(3) TFEU it is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities.

The Council Regulation in question allocates fishing opportunities to Member States. Having regard to Article 16(6) and (7) and Article 17 of Regulation (EU) No 1380/2013, Member States are free to allocate such opportunities among regions or operators according to the criteria set in the mentioned Articles. Therefore, Member States have ample room for manoeuvre on decisions related to the social/economic model of their choice to exploit their allocated fishing opportunities.

The proposal has no new financial implications for Member States. This particular Regulation is adopted by the Council every year, and the public and private means to implement it are already in place.

- **Choice of instrument**

Proposed instrument: Regulation.

This is a proposal for fisheries management on the basis of Article 43(3) TFEU.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Stakeholder consultations**

The Baltic Sea Advisory Council (BSAC) was consulted on the basis of the Communication from the Commission concerning Consultation on the Fishing Opportunities for 2020 under the Common Fisheries Policy COM(2019) 274 final. The scientific basis for the proposal was provided by the International Council for the Exploration of the Sea (ICES). The preliminary views expressed by various stakeholders on all the fish stocks concerned were considered and taken into account as far as possible in the proposal without contradicting existing policies or causing any deterioration in the state of vulnerable resources.

The scientific advice on catch limitations and status of the stocks were also discussed with Member States in the regional forum BALTFISH in June 2019.

- **Collection and use of expertise**

The scientific organisation consulted was the International Council for the Exploration of the Sea (ICES).

The Union seeks scientific advice on the state of important fish stocks from ICES each year. The advice received covers all Baltic stocks and TACs are proposed for the commercially most important stocks ([www.ices.dk/community/advisory-process/Pages/Latest-advice.aspx](http://www.ices.dk/community/advisory-process/Pages/Latest-advice.aspx)).

- **Impact assessment**

The proposal is part of a long-term approach whereby the level of fishing is adjusted to and maintained at long-term sustainable levels. This approach is expected to result in a stable fishing pressure, higher quotas and hence an improved income for fishermen and their families. The increased landings are expected to be beneficial for the fishing industry, consumers, processing and retail industry as well as for the rest of the ancillary industry linked to commercial and recreational fishing.

Decisions taken on the Baltic fishing opportunities over the past years had succeeded in bringing fishing mortality in line with the MSY ranges at the moment of the TAC setting for all stocks except one and in rebuilding stocks and rebalancing fishing capacity and fishing opportunities. Unfortunately, eastern Baltic cod came under severe pressure in 2019 and will not be in line with MSY in 2020, and most probably not in the following years to come. Hence progress is still necessary to rebuild all stocks, some of them still below safe biomass limits, and to bring all stocks in line with MSY.

Taking the above into account, the Commission proposal would decrease fishing opportunities for western Baltic herring by 71%, for Central herring by 10%, for Gulf of Bothnia herring by 27%, for plaice by 32%, for main basin salmon by 5%, for sprat by 25% and for western Baltic cod by 68%. For eastern Baltic cod ICES informed that it would not be in a position to provide figures for unavoidable by-catches in 2020 in advance of the proposed adoption of the Regulation by the Council in October of this year. The Commission estimates

a decrease in fishing opportunities for eastern Baltic cod. The Commission proposal would increase fishing opportunities for Gulf of Riga herring by 11%, and roll over those for Gulf of Finland salmon.

The economic impact of the proposals for 2020 will therefore be a reduction for the fleets in all Member States. All in all, the Commission proposal leads to a level of approximately 469 000 tonnes for the Baltic fishing opportunities, representing a 23.6% reduction when compared to 2019. The Multiannual Plan for the Baltic Sea (MAP) provides that the TAC for healthy stocks may be set in the range above the MSY point value (so-called “upper MSY range”), notably to limit variations between consecutive years to not more than 20%. However, the Commission does not propose to use this option because for western herring, western and eastern Baltic cod the stocks’ biomass are below safe biological limits. Furthermore, sprat relies on a single good year class only and therefore ICES estimates that the biomass will decrease in the coming years. Using the upper MSY range now risks exacerbating future decreases. In addition, Gulf of Bothnia herring received precautionary advice from ICES which does not provide MSY ranges. Plaice is a by-catch species under the MAP so ICES does not provide MSY ranges. Finally, the MAP also permits the use of the upper MSY range for healthy stocks in mixed fisheries where this is necessary to achieve the objectives of the CFP and the MAP. Whilst the herring fishery is a mixed fishery, the Commission does not propose to use the upper MSY range for Central herring because the stock relies on a single good year class only and herring is caught in a mixed fishery with cod which is in a deteriorating condition.

- **Regulatory fitness and simplification**

The proposal remains flexible in the application of quota exchange mechanisms which were already introduced in the Regulations concerning fishing opportunities in the Baltic Sea in the previous years. There are no new elements or new administrative procedures proposed for public authorities (EU or national) which could increase the administrative burden.

The proposal concerns an annual Regulation for the year 2020 and therefore does not include a revision clause.

#### **4. BUDGETARY IMPLICATIONS**

The proposal has no implications for the EU budget.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The monitoring of the use of fishing opportunities in the form of TACs and quotas was established by Council Regulation (EC) No 1224/2009.

- **Detailed explanation of the specific provisions of the proposal**

The proposal fixes for 2020 the fishing opportunities for certain stocks or groups of stocks for Member States fishing in the Baltic Sea.

The multiannual plan for the fisheries in the Baltic Sea entered into force on 20 July 2016<sup>1</sup>. Under the provisions of this plan, the fishing opportunities is to be fixed in accordance with

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<sup>1</sup> Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

the objectives of the plan and is to comply with the target fishing mortality ranges provided in the best available scientific advice, in particular by ICES or a similar independent scientific body. In cases when a stock's biomass is below the reference points provided in the best scientific advice, the fishing opportunities are to be fixed at a level corresponding to the fishing mortality that is reduced proportionally taking into account the decrease of the stock's biomass.

The fishing opportunities are proposed in accordance with Articles 16(1) (referring to the principle of relative stability) and 16(4) (referring to the objectives of the Common Fisheries Policy and the rules provided for in multiannual plans) of Regulation (EU) No 1380/2013.

Where relevant, in order to set the EU quotas for stocks shared with the Russian Federation, the respective quantities of these stocks were deducted from the TACs advised by ICES. The TACs and quotas allocated to Member States are shown in Annex to the Regulation.

For western Baltic herring the stock size estimated by ICES continues to be below the limit spawning biomass reference point, below which there may be reduced reproductive capacity ( $B_{lim}$ ) as established by ICES. Article 5 of Regulation (EU) 2016/1139 requires, when scientific advice indicates that the stock is below  $B_{lim}$ , remedial measures to be adopted to ensure a rapid return of the stock concerned to a level capable of producing MSY. To achieve such a level, firstly, fishing opportunities for the stock concerned are to be fixed at a level consistent with a fishing mortality that is reduced below the upper range of  $F_{MSY}$ , and secondly, further remedial measures are to be taken. Taking into account the decrease in biomass of western Baltic herring, the Commission proposes pursuant to Article 4(4) of Regulation (EU) 2016/1139 to set the TAC at a level lower than the ranges of  $F_{MSY}$ . The Commission proposes to use the lower range value and to add a further decrease. This results in a TAC of 2 651 tonnes (-71%), which according to ICES will allow the biomass to be above  $B_{lim}$  by 2022.

For eastern Baltic cod, after several years ICES was once again in a position to undertake an analytical assessment. However, ICES was not able to determine the values of the MSY fishing mortality ranges. Moreover, ICES estimated that the stock size was below  $B_{lim}$  and that it would remain below  $B_{lim}$  in the medium term even with no fishing at all. This is why the Commission adopted emergency measures in July 2019 by which it decided that the fishing of cod in the areas with relevant eastern Baltic cod abundance was prohibited until year-end. A more efficient way to limit catches, however, is to forbid directed fisheries and setting a very limiting TAC for by-catches only. The Commission has asked ICES to provide relevant figures but ICES informed that it would not be in a position to provide figures for unavoidable by-catches in 2020 in advance of the proposed adoption of the Regulation by the Council in October of this year. The Commission estimates a decrease in fishing opportunities for eastern Baltic cod of [...]%. The Commission aims to present a proposal for a modification of the 2020 Fishing Opportunities Regulation once figures for unavoidable by-catches for 2020 are provided by ICES. Moreover, given the status of the stock of eastern Baltic cod and ICES' advice that spawning closures can have additional benefits for the stock which cannot be achieved by TAC alone (e.g. increased recruitment through undisturbed spawning), the existing summer spawning closure is prolonged and its scope enlarged. Finally, recreational fishing is prohibited since the quantities caught become substantial when the TAC is decreased to a very limiting by-catch TAC.

The proposed TACs for Central herring and herring in the Gulf of Riga, as well as the proposed TACs for sprat, main-basin salmon and western Baltic cod correspond to the MSY fishing mortality range as referred to in Article 4(3) of Regulation (EU) 2016/1139. Regarding main-basin salmon, Finland and Estonia asked for the limited inter-area flexibility

introduced last year to be maintained and therefore rolled over. Regarding western Baltic cod, as ICES indicates that the stock's situation is fragile and deteriorating again, a prolonged and enlarged winter spawning closure is re-introduced as ICES considers that such closures can have additional benefits that cannot be achieved by TAC alone. As recreational fishing substantially contributes to fishing mortality, the bag limit for recreational fishing is reduced to the same extent as the reduction of the TAC. Finally, as eastern and western Baltic cod mix in subdivision 24 and following the emergency measures adopted in 2019, directed fishing for cod is forbidden and only unavoidable by-catches can be caught beyond six nautical miles from shore in subdivision 24. Furthermore, and in order to establish a level playing field with the eastern Baltic cod management area, recreational fishing beyond six nautical miles from shore is prohibited in subdivision 24 since mostly eastern Baltic cod occurs in these areas.

The TAC for plaice corresponds to a combination of the MSY advice for the stock in subdivisions 21 to 23 and of the ICES approach for data limited stocks for the stock in subdivisions 24 to 32. The TACs for Gulf of Finland salmon and herring in the Gulf of Bothnia correspond to the approach developed by ICES which is applied to data limited stocks.

Council Regulation (EC) No 847/96 introduced additional conditions for year-to-year management of TACs, including flexibility provisions under Articles 3 and 4 for precautionary and analytical stocks respectively. Under its Article 2, when fixing the TACs, the Council is to decide to which stocks Articles 3 and 4 shall not apply, in particular on the basis of the biological status of the stocks. More recently, the flexibility mechanism was introduced for all stocks covered by the landing obligation by Article 15(9) of Regulation (EU) No 1380/2013. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources and hinder the achievement of the objectives of the Common Fisheries Policy, it should be clarified that Article 3 and 4 of Regulation (EC) No 847/96 apply only where Member States do not use the year-to-year flexibility provided for in Article 15(9) of Regulation 1380/2013.

Proposal for a

## COUNCIL REGULATION

**fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124, as regards certain fishing opportunities in other waters**

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) Article 6 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>1</sup> requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries and other advisory bodies, as well as in the light of any advice received from Advisory Councils established for the relevant geographical areas or fields of competence and joint recommendations made by Member States.
- (2) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. Fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each stock or fishery and having due regard to the objectives of the Common Fisheries Policy (CFP) set out in Regulation (EU) No 1380/2013.
- (3) Article 2 of Regulation (EU) No 1380/2013 provides that the objective of the CFP is to achieve the maximum sustainable yield (MSY) exploitation rate by 2015 where possible and, on a progressive, incremental basis at the latest by 2020.
- (4) The total allowable catches (TACs) should therefore be established, in accordance with Regulation (EU) No 1380/2013, on the basis of the available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in having regard to the opinions expressed during the consultation with stakeholders.
- (5) Regulation (EU) 2016/1139 of the European Parliament and of the Council<sup>2</sup> establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic

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<sup>1</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>2</sup> Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting



Sea and for the fisheries exploiting those stocks ('the plan'). The plan aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. To that end, the target fishing mortality for the stocks concerned, expressed in ranges, is to be achieved as soon as possible and, on a progressive, incremental basis, by 2020. It is appropriate that the catch limits applicable in 2020 for the cod, herring and sprat stocks in the Baltic Sea are established in line with the objectives of the plan.

- (6) The International Council for the Exploration of the Sea (ICES) indicated that the biomass of western Baltic herring in subdivision 20 to 24 continued to be below the limit spawning biomass reference point below which there may be reduced reproductive capacity ( $B_{lim}$ ). In its annual stock advice of 29 May 2019, ICES therefore issued scientific advice for no catches. In accordance with Article 5(2) of Regulation (EU) 2016/1139, all appropriate remedial measures are therefore to be adopted to ensure a rapid return of the stock concerned to levels above the level capable of producing MSY. Moreover, that provision requires further remedial measures to be adopted. To that end, it is necessary to take into account the timeline for the achievement of the objectives of the CFP in general and of the plan in particular in view of the expected effect of the remedial measures taken, whilst at the same time adhering to the objectives of achieving economic, social and employment benefits as set out in Article 2 of Regulation (EU) No 1380/2013. Accordingly, and in line with Article 4(4) of Regulation (EU) 2016/1139, it is appropriate that fishing opportunities for western Baltic herring are set lower than the fishing mortality ranges, so as to take into account the decrease in the biomass.
- (7) As regards the eastern Baltic cod stock, ICES was able to provide an analytical assessment for the first time in several years. ICES estimated that the biomass was below  $B_{lim}$  and would stay below  $B_{lim}$  in the medium term even with no fishing at all. ICES therefore issued scientific advice for no catches in 2020. However, ICES was not in a position to determine the values of the fishing mortality ranges. Based on the stock assessment and in order to react as quickly as possible, the Commission adopted Commission Implementing Regulation (EU) 2019/1248 establishing emergency measures to alleviate a serious threat to the conservation of the eastern Baltic cod (*Gadus morhua*) stock<sup>3</sup>. According to Article 5(2) of Regulation (EU) 2016/1139, the fishing opportunities for 2020 need to be set in a way to ensure the rapid return of the stock to a level above the level capable of producing MSY.
- (8) If the fishing opportunities for eastern Baltic cod were set at the level indicated in the scientific advice, the obligation to land all catches in mixed fisheries with by-catches of eastern Baltic cod would lead to the phenomenon of 'choke species'. In order to strike the right balance between continuing fisheries in view of the potentially severe socio-economic implications, and the need to achieve a good biological status for the stock, taking into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, it is appropriate to establish a specific TAC for by-catches of eastern Baltic cod. The level of the TAC should be such that

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those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

<sup>3</sup> Commission Implementing Regulation (EU) 2019/1248 of 22 July 2019 establishing measures to alleviate a serious threat to the conservation of the eastern Baltic cod (*Gadus morhua*) stock (OJ L 195, 23.7.2019, p. 2).

mortality is not increased and that it provides incentives for improvements in selectivity and avoidance.

- (9) Moreover, Article 5(2) of Regulation (EU) 2016/1139 states that additional remedial measures are to be taken to ensure the rapid return of the stock to levels above the level capable of producing MSY. Scientific advice indicates that spawning closures in particular can have additional benefits for a stock that cannot be achieved by TAC alone, for example an increased recruitment through undisturbed spawning. Given the status of the eastern Baltic cod stock, it is appropriate to extend the scope and timeframe of the existing summer spawning closure for eastern Baltic cod. Furthermore, the scientific advice indicates that the relative importance of recreational fisheries of eastern Baltic cod depends on the TAC level. Given the very substantial reduction of the TAC, the quantities caught in recreational fisheries are considered substantial. It is therefore appropriate to prohibit recreational fishing of cod in subdivisions 25-26 where eastern Baltic cod is most abundant.
- (10) As regards the western Baltic cod stock, the scientific advice indicates that recreational fisheries contribute significantly to the overall fishing mortality of that stock. Taking into account the current status of that stock and the reduction of the TAC, it is appropriate to reduce the daily bag limit per fisherman. This is without prejudice to the principle of relative stability applicable to commercial fishing activities. Moreover, scientific advice indicates that the western and eastern cod stocks mix in subdivision 24. In order to protect the eastern cod stock and ensure a level playing field with the eastern Baltic cod management area, it is appropriate to limit the use of the TAC in subdivision 24 to by-catches of cod with an exemption for small-scale coastal fishermen fishing with passive gears in areas up to six nautical miles from shore where the water depth is less than 20 meters since western cod is predominant in those shallow coastal areas. Accordingly, and in order to ensure a level playing field with subdivisions 25-26, recreational fishing of cod in subdivision 24 should be prohibited beyond six nautical miles from shore. Finally, given the fragile status of the stock and the fact that scientific advice indicates that spawning closures in particular can have additional benefits for a stock that cannot be achieved by TAC alone, for example an increased recruitment through undisturbed spawning, it is appropriate to re-introduce a winter spawning closure.
- (11) In order to guarantee the full use of coastal fishing opportunities, it is appropriate to introduce a limited inter-area flexibility for salmon from ICES subdivisions 22-31 to ICES subdivision 32 for the Member State that has requested that flexibility.
- (12) According to ICES advice, 32 % of catches in the salmon fishery is misreported, in particular as sea trout catches. As most of the sea trout in the Baltic Sea is exploited in coastal areas, it is appropriate to prohibit fishing for sea trout beyond four nautical miles and to limit by-catches of sea trout to 3 % of the combined catch of sea trout and salmon in order to contribute to preventing misreporting of salmon catches as sea trout catches.
- (13) The use of the fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009<sup>4</sup>, and in particular to Articles 33 and 34 thereof

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<sup>4</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No

concerning the recording of catches and fishing effort, and to the transmission of data on the exhaustion of fishing opportunities to the Commission. This Regulation should therefore specify the codes relating to landings of stocks subject to this Regulation that are to be used by Member States when sending data to the Commission.

- (14) Council Regulation (EC) No 847/96<sup>5</sup> introduced additional conditions for year-to-year management of TACs including, under Articles 3 and 4, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Articles 3 or 4 shall not apply, in particular on the basis of the biological status of the stocks. More recently, the year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the CFP and deteriorate the biological status of the stocks, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.
- (15) Based on new scientific advice, a preliminary TAC for Norway pout in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 should be established for the period from 1 November 2019 to 31 October 2020.
- (16) In order to avoid the interruption of fishing activities and to ensure the livelihoods of Union fishermen, this Regulation should apply from 1 January 2020. However, this Regulation should apply to Norway pout in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 from 1 November 2019 until 31 October 2020. For reasons of urgency, this Regulation should enter into force immediately upon 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 2020 and amends certain fishing opportunities in other waters fixed by Regulation (EU) 2019/124<sup>6</sup>.

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1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

<sup>5</sup> Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

<sup>6</sup> Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, (OJ L 29, 31.1.2019, p. 1).

## *Article 2*

### ***Scope***

1. This Regulation shall apply to Union fishing vessels operating in the Baltic Sea.
2. This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

## *Article 3*

### ***Definitions***

For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (1) 'subdivision' means an ICES subdivision of the Baltic Sea as defined in Annex III to Council Regulation (EC) No 218/2009<sup>7</sup>;
- (2) 'total allowable catch' (TAC) means the quantity of each stock that can be caught over the period of a year;
- (3) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (4) 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport.

## **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 the Annex.

## *Article 5*

### ***Special provisions on allocations of fishing opportunities***

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 16(8) of Regulation (EU) No 1380/2013;
- (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;

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<sup>7</sup> Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (recast) (OJ L 87, 31.3.2009, p. 70).

- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96 or under Article 15(9) of Regulation (EU) No 1380/2013;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 or transferred under Article 15(9) of Regulation (EU) No 1380/2013;
- (e) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

#### *Article 6*

##### ***Conditions for landing of catches and by-catches***

The stocks of non-target species within the safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 which qualify for the derogation from the obligation to count catches against the relevant quota are identified in the Annex to this Regulation.

#### *Article 7*

##### ***Measures on recreational fisheries for cod in subdivisions 22-26***

1. In recreational fisheries, no more than two specimens of cod may be retained per fisherman per day in subdivisions 22-24.
2. Recreational fishing shall be prohibited in subdivision 24 beyond six nautical miles measured from the baselines, and in subdivisions 25-26.
3. Paragraphs 1 and 2 are without prejudice to more stringent national measures.

#### *Article 8*

##### ***Measures on sea trout and salmon fishing in subdivisions 22-32***

1. Fishing for sea trout beyond four nautical miles measured from the baselines in subdivisions 22-32 is prohibited for fishing vessels from 1 January to 31 December 2020. When fishing for salmon in those waters, by-catches of sea trout shall not exceed 3% of the total catch of salmon and sea trout at any moment on board or landed after each fishing trip. Masters of vessels fishing for salmon in those waters shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State. For that purpose, those fishing vessels can for example be equipped with a vessel monitoring system (VMS), or equivalent electronic monitoring system certified by the control authority.
2. Paragraph 1 is without prejudice to more stringent national measures.

#### *Article 9*

##### ***Flexibility***

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

2. Article 3(2) and (3) and Article 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

### Article 10

#### Data transmission

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

## CHAPTER III

### FINAL PROVISIONS

#### Article 11

#### Amendment to Regulation (EU) 2019/124

Annex IA to Regulation (EU) 2019/124 is amended as follows:

The Fishing opportunities table for Norway pout and associated by-catches in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 is replaced by the following:

Species:	Norway pout and associated by-catches		Zone:	3a; Union waters of 2a and 4
	<i>Trisopterus esmarki</i>			(NOP/2A3A4.)
Year	2019	2020	Analytical TAC	
Denmark	54 949 (1)(3)	pm (6)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Germany	11 (1)(2)(3)	pm (6)	Article 4 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	40 (1)(2)(3)	pm (6)		
Union	55 000 (1)(3)	pm (6)		
Norway	14 500 (4)	pm		
Faroe Islands	5 000 (5)	pm		
TAC	Not relevant	Not relevant		

(1) Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/\*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9% of the quota.

(2) Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.

(3) Union quota may only be fished from 1 November 2018 to 31 October 2019.

(4) A sorting grid shall be used.

(5) A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/\*2A3A4), to be counted against this quota.

(6) Union quota may be fished from 1 November 2019 to 31 October 2020.

*Article 12*

***Entry into force***

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

It shall apply from 1 January 2020, with the exception of Article 11 which shall apply from 1 November 2019 until 31 October 2020.

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

Done at Brussels,

*For the Council  
The President*