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COUNCIL REGULATION (EC) No 1342/2008

of 18 December 2008

establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004

(OJ L 348, 24.12.2008, p. 20)

Amended by:

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► <u>M1</u>	Council Regulation (EC) No 1224/2009 of 20 November 2009	L 343	1	22.12.2009
► <u>M2</u>	Council Regulation (EU) No 1243/2012 of 19 December 2012	L 352	10	21.12.2012
► <u>M3</u>	Commission Implementing Regulation (EU) 2015/2324 of 11 December 2015	L 328	101	12.12.2015
► <u>M4</u>	Commission Implementing Regulation (EU) 2016/1025 of 24 June 2016	L 168	7	25.6.2016
► <u>M5</u>	Regulation (EU) 2016/2094 of the European Parliament and of the Council of 23 November 2016	L 330	1	3.12.2016

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► **C1** Corrigendum, OJ L 231, 1.9.2010, p. 6 (1342/2008)

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**establishing a long-term plan for cod stocks and the fisheries
exploiting those stocks and repealing Regulation (EC) No 423/2004**

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

*Article 1***Subject matter**

This Regulation establishes a plan for four cod stocks corresponding to the following geographical areas:

- (a) the Kattegat;
- (b) the North Sea, the Skagerrak and the eastern Channel;
- (c) the west of Scotland;
- (d) the Irish Sea.

▼M5*Article 2***Definitions**

For the purposes of this Regulation, the definitions laid down in Article 4(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾ shall apply.

▼B*Article 3***Geographical definitions**

For the purposes of this Regulation, the following geographical definitions of geographical areas shall apply:

- (a) ‘Kattegat’ means that part of Division IIIa, as delineated by ICES, that is bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from this point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenore to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (b) ‘North Sea’ means ICES Subarea IV and that part of ICES Division IIIa not covered by the Skagerrak and Kattegat and that part of ICES Division IIa which lies within waters under the sovereignty or jurisdiction of Member States;

⁽¹⁾ 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) 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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- (c) ‘Skagerrak’ means that part of ICES Division IIIa bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;
- (d) ‘eastern Channel’ means ICES Division VIId;
- (e) ‘Irish Sea’ means ICES Division VIIa;
- (f) ‘west of Scotland’ means ICES Division VIa and that part of ICES Division Vb which lies within waters under the sovereignty or jurisdiction of Member States.

▼M5*Article 5***Objective of the plan**

1. The plan referred to in Article 1 shall aim to ensure exploitation that restores and maintains the cod stocks above levels which can produce maximum sustainable yield.
2. Any management measure taken pursuant to this Regulation shall be consistent with the requirements laid down in Article 2(2) of Regulation (EU) No 1380/2013 and with the principles and aims of that Regulation.

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CHAPTER II

TOTAL ALLOWABLE CATCHES**▼M5***Article 6***Minimum and precautionary biomass levels**

When adopting management measures, minimum and precautionary biomass levels for each of the cod stocks shall be consistent with the objectives of Regulation (EU) No 1380/2013.

*Article 9***Setting of TACs in poor data conditions**

Where, due to a lack of sufficiently accurate and representative information, fishing opportunities cannot be determined in accordance with Article 5(1), the fixing of fishing opportunities shall be based on the precautionary approach in accordance with Article 9(2) of Regulation (EU) No 1380/2013, taking into account trends in the cod stock and in the fishing activity, and ensuring at least a comparable degree of conservation of the relevant stocks.

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CHAPTER IIa
MEMBER STATES' OBLIGATIONS

Article 10

Fishing authorisations and capacity ceilings

1. For each of the geographical areas referred to in Article 1 of this Regulation, each Member State shall issue fishing authorisations in accordance with Article 7 of Council Regulation (EC) No 1224/2009 ⁽¹⁾ for vessels flying its flag which engage in fishing activities in that area and using one of the following gears:

- (a) bottom trawls and seines (OTB, OTT, PTB, SDN, SSC, SPR) of mesh:
 - (i) TR1 equal to or larger than 100 mm;
 - (ii) TR2 equal to or larger than 70 mm and less than 100 mm;
 - (iii) TR3 equal to or larger than 16 mm and less than 32 mm;
- (b) beam trawls (TBB) of mesh:
 - (i) BT1 equal to or larger than 120 mm;
 - (ii) BT2 equal to or larger than 80 mm and less than 120 mm;
- (c) gill nets, entangling nets (GN);
- (d) trammel nets (GT);
- (e) longlines (LL).

2. Without prejudice to the capacity ceilings set out in Annex II to Regulation (EU) No 1380/2013, for each of the geographical areas referred to in Article 1 of this Regulation, the total capacity expressed in kW of the vessels having fishing authorisations issued in accordance with paragraph 1 of this Article shall not be greater than the maximum capacity of the vessels that have been active in 2006 or 2007 using one of the gears referred to in paragraph 1 in the geographical area concerned.

3. Each Member State shall establish and maintain a list of vessels holding the fishing authorisation referred to in paragraph 1 and make it available on its official website to the Commission and other Member States.

⁽¹⁾ 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 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).

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CHAPTER IV
MONITORING, INSPECTION AND SURVEILLANCE

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Article 25

Designated ports

1. Where more than two tonnes of cod are to be landed in the Community from a Community fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports.
2. Each Member State shall designate ports into which any landing of cod in excess of two tonnes shall take place.
3. Each Member State shall make available on their public website the list of designated ports and associated inspection and surveillance procedures for those ports, including the terms and conditions for recording and reporting the quantities of cod within each landing.

The Commission shall transmit this information to all Member States.

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CHAPTER V
DECISION-MAKING AND FINAL PROVISIONS

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Article 32

Detailed rules

Detailed rules for the application of Articles 11(3), 14, 16 and 17 of this Regulation may be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

Article 33

Assistance under the European Fisheries Fund

1. For each of the four cod stocks referred to in Article 1, for those years in which the stock is situated below the relevant precautionary spawning biomass level set out in Article 6, the long-term plan shall be deemed to be a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(i) of Regulation (EC) No 1198/2006.

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2. For each of the four cod stocks referred to in Article 1, for those years other than those referred to in paragraph 1, the long-term plan shall be deemed to be a management plan within the meaning of Article 6 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(iv) of Regulation (EC) No 1198/2006.

*Article 34***Review**

The Commission shall, on the basis of advice from STECF and after consultation of the relevant Regional Advisory Council, evaluate the impact of the management measures on the cod stocks concerned and the fisheries on those stocks, at the latest in the third year of application of this Regulation and then each third successive year of application of this Regulation and, where appropriate, propose relevant measures to amend it.

*Article 35***Repeal****▼ C1**

Regulation (EC) No 423/2004 is hereby repealed. References to the provisions of Regulation (EC) No 423/2004 shall be construed as references to the provisions of this Regulation.

▼ B*Article 36***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.

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