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COUNCIL REGULATION (EU) 2019/1838

of 30 October 2019

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

(OJ L 281, 31.10.2019, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EU) 2020/455 of 26 March 2020	L 97	1	30.3.2020
► <u>M2</u>	Council Regulation (EU) 2020/900 of 25 June 2020	L 207	4	30.6.2020

**COUNCIL REGULATION (EU) 2019/1838****of 30 October 2019****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**

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.

*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 referred to 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 ⁽¹⁾;
- (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.

⁽¹⁾ 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 (OJ L 87, 31.3.2009, p. 70).

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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;
- (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 ICES 22-26

1. In recreational fisheries, no more than five specimens of cod may be retained per fisherman per day in ICES subdivisions 22 and 23 and in ICES subdivision 24 within six nautical miles measured from the baselines.
2. By way of derogation from paragraph 1, no more than two specimens of cod may be retained per fishermen per day in ICES subdivisions 22 and 23 and in ICES subdivision 24 within six nautical miles measured from the baselines in the period from 1 February to 31 March 2020.

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3. Recreational fishing for cod shall be prohibited in ICES subdivision 24 beyond six nautical miles measured from the baselines and in ICES subdivisions 25 and 26.

4. Paragraphs 1, 2 and 3 are without prejudice to more stringent national measures.

*Article 8***Measures on sea trout and salmon fishing in ICES subdivisions 22-32**

1. Fishing for sea trout beyond four nautical miles measured from the baselines in ICES 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.

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***Amendments to Regulation (EU) 2019/124**

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

(1) the fishing opportunities table for common sole in ICES divisions 7f and 7g is replaced by the following:

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Species:	Common sole <i>Solea solea</i>	Zone:	7f and 7g (SOL/7FG.)
Belgium	630	Analytical TAC'	
France	63		
Ireland	32		
United Kingdom	284		
Union	1 009		
TAC	1 009		

- (2) 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 <i>Trisopterus esmarkii</i>		Zone:	3a; Union waters of 2a and 4 (NOP/2A3A4.)
Year	2019	2020	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
Denmark	54 949 ⁽¹⁾ ⁽³⁾	64 940 ⁽¹⁾ ⁽⁶⁾		
Germany	11 ⁽¹⁾ ⁽²⁾ ⁽³⁾	12 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾		
The Netherlands	40 ⁽¹⁾ ⁽²⁾ ⁽³⁾	48 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾		
Union	55 000 ⁽¹⁾ ⁽³⁾	65 000 ⁽¹⁾ ⁽⁶⁾		
Norway	14 500 ⁽⁴⁾	0 ⁽⁴⁾		
Faroe Islands	5 000 ⁽⁵⁾	0 ⁽⁵⁾		
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.'

2. In Annex II, in the fishing opportunities table for toothfish in SPRFMO Convention Area, the reporting code "TOP/SPRFMO" is replaced by "TOT/SPR-AE".

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 point (2) of Article 11(1), which shall apply from 1 November 2019 until 31 October 2020, and of point (1) of Article 11(1) and Article 11(2), which shall apply from 1 January 2019.

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



ANNEX

TACs APPLICABLE TO UNION FISHING 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.

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

The fish stocks are referred to using 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/30/31.)
Finland	53 306		
Sweden	11 712		
Union	65 018		
TAC	65 018		Precautionary TAC

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	442		
Germany	1 738		
Finland	0		
Poland	410		
Sweden	560		
Union	3 150		
TAC	3 150		Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

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Species:	Herring <i>Clupea harengus</i>	Zone:	Union waters of Subdivisions 25-27, 28.2, 29 and 32 (HER/3D-R30)
Denmark	3 374		
Germany	895		
Estonia	17 232		
Finland	33 637		
Latvia	4 253		
Lithuania	4 478		
Poland	38 215		
Sweden	51 300		
Union	153 384		
TAC	Not relevant	Analytical TAC Article 6 of this Regulation shall apply.	

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivision 28.1 (HER/03D.RG)
Estonia	15 906		
Latvia	18 539		
Union	34 445		
TAC	34 445	Analytical TAC Article 6 of this Regulation shall apply.	

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Species:	Cod <i>Gadus morhua</i>	Zone:	Union waters of Subdivisions 25-32 (COD/3DX32.)
Denmark	459	(¹) (²)	
Germany	183	(¹) (²)	
Estonia	45	(¹) (²)	
Finland	35	(¹) (²)	
Latvia	171	(¹) (²)	
Lithuania	113	(¹) (²)	
Poland	529	(¹) (²)	
Sweden	465	(¹) (²)	
Union	2 000	(¹) (²)	
TAC	Not relevant	Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.	

(¹) Exclusively for by-catches. No directed fisheries are permitted under this quota.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to cod provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

(²) ► **M2** In subdivisions 25 and 26 it shall be prohibited to fish this quota from 1 May to 31 August.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be undertaken provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

By way of derogation from the first paragraph, that closure period shall not apply to Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines, handlines and jigging equipment or other passive gear in areas where the water depth is less than 20 meters according to the coordinates on the official sea chart issued by the competent national authorities. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State. ◀

Species:	Cod <i>Gadus morhua</i>	Zone:	Subdivisions 22-24 (COD/3BC+24)
Denmark	1 662	(¹) (²)	
Germany	812	(¹) (²)	
Estonia	37	(¹) (²)	
Finland	33	(¹) (²)	
Latvia	137	(¹) (²)	
Lithuania	89	(¹) (²)	
Poland	444	(¹) (²)	

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Species:	Cod <i>Gadus morhua</i>	Zone:	Subdivisions 22-24 (COD/3BC+24)
Sweden	592	(¹) (²)	
Union	3 806	(¹) (²)	
TAC	3 806	(¹) (²)	Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

(¹) ► **M2** In subdivision 24 exclusively for by-catches. No directed fisheries are permitted under this quota in subdivision 24. By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to cod provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

By way of derogation from the first paragraph, fishing this quota in subdivision 24 shall be allowed for Union fishing vessels of less than 12 meters length overall fishing with gillnets, entangling nets or trammel nets, with bottom set lines, longlines, handlines and jigging equipment or other passive gear in areas up to six nautical miles measured from the baselines where the water depth is less than 20 meters according to the coordinates on the official sea chart issued by the competent national authorities. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State.

(²) It shall be prohibited to fish this quota in subdivisions 22 and 23 from 1 February to 31 March and in subdivision 24 from 1 June to 31 July.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be undertaken provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

By way of derogation from the first paragraph, that closure period shall not apply to Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines, handlines and jigging equipment or other passive gear in areas where the water depth is less than 20 meters according to the coordinates on the official sea chart issued by the competent national authorities. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State. ◀

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	Union waters of Subdivisions 22-32 (PLE/3BCD-C)
Denmark	4 939		
Germany	549		
Poland	1 034		
Sweden	372		
Union	6 894		
TAC	6 894		Analytical TAC Article 6 of this Regulation shall apply.

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Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of Subdivisions 22-31 (SAL/3BCD-F)
Denmark	17 940	(¹)	
Germany	1 996	(¹)	
Estonia	1 823	(¹) (²)	
Finland	22 370	(¹)	
Latvia	11 411	(¹)	
Lithuania	1 341	(¹)	
Poland	5 442	(¹)	
Sweden	24 252	(¹)	
Union	86 575	(¹)	
TAC	Not relevant	Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.	

(¹) Expressed by number of individual fish.

(²) Special condition: up to 20 % and no more than 400 specimens of this quota may be fished in Union waters of subdivision 32 (SAL/*3D32).

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of Subdivision 32 (SAL/3D32.)
Estonia	995	(¹)	
Finland	8 708	(¹)	
Union	9 703	(¹)	
TAC	Not relevant	Precautionary TAC	

(¹) Expressed by number of individual fish.

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Species:	Sprat <i>Sprattus sprattus</i>	Zone:	Union waters of Subdivisions 22-32 (SPR/3BCD-C)
Denmark	20 730		
Germany	13 133		
Estonia	24 072		
Finland	10 851		
Latvia	29 073		
Lithuania	10 517		
Poland	61 697		
Sweden	40 074		
Union	210 147		
TAC	Not relevant	Analytical TAC Article 6 of this Regulation shall apply.	