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**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**

(OJ L 318, 4.12.2010, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EU) No 1256/2011 of 30 November 2011	L 320	3	3.12.2011

**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**

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

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 248, 22.9.2007, p. 1.

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- (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⁽¹⁾ 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⁽²⁾, 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⁽³⁾;

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 115, 9.5.1996, p. 3.

⁽³⁾ OJ L 349, 31.12.2005, p. 1.

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

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



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
<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	85 568		
Sweden	18 801		
EU	104 369		
TAC	104 369		Analytical TAC

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	2 227		
Germany	8 763		
Finland	1		
Poland	2 067		
Sweden	2 826		
EU	15 884		
TAC	15 884		Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

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Species: Herring <i>Clupea harengus</i>	Zone: EU waters of Subdivisions 25-27, 28.2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	2 363
Germany	627
Estonia	12 068
Finland	23 557
Latvia	2 978
Lithuania	3 136
Poland	26 763
Sweden	35 928
EU	107 420
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.

Species: Herring <i>Clupea harengus</i>	Zone: Subdivision 28.1 HER/03D.RG
Estonia	16 809
Latvia	19 591
EU	36 400
TAC	36 400

Analytical TAC

Species: Cod <i>Gadus morhua</i>	Zone: EU waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	13 544
Germany	5 388
Estonia	1 320
Finland	1 036
Latvia	5 036
Lithuania	3 318
Poland	15 595
Sweden	13 721
EU	58 957
TAC	Not relevant

Analytical TAC

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Species: Cod <i>Gadus morhua</i>		Zone: EU waters of Subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	8 206	
Germany	4 012	
Estonia	182	
Finland	161	
Latvia	679	
Lithuania	440	
Poland	2 196	
Sweden	2 924	
EU	18 800	
TAC	18 800	<div style="border: 1px solid black; padding: 5px;"> Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. </div>

Species: Plaice <i>Pleuronectes platessa</i>		Zone: EU 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	2 179	
Germany	242	
Poland	456	
Sweden	164	
EU	3 041	
TAC	3 041	<div style="border: 1px solid black; padding: 5px;"> Precautionary TAC Article 4 of Regulation (EC) No 847/96 does not apply. </div>

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Species: Atlantic salmon <i>Salmo salar</i>		Zone: EU 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	51 829 ⁽¹⁾	
Germany	5 767 ⁽¹⁾	
Estonia	5 267 ⁽¹⁾	
Finland	64 627 ⁽¹⁾	
Latvia	32 965 ⁽¹⁾	
Lithuania	3 875 ⁽¹⁾	
Poland	15 723 ⁽¹⁾	
Sweden	70 056 ⁽¹⁾	
EU	250 109 ⁽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: EU waters of Subdivision 32 SAL/3D32.
Estonia	1 581 ⁽¹⁾	
Finland	13 838 ⁽¹⁾	
EU	15 419 ⁽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.

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Species: Sprat <i>Sprattus sprattus</i>	Zone: EU 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	28 485
Germany	18 046
Estonia	33 077
Finland	14 911
Latvia	39 949
Lithuania	14 451
Poland	84 780
Sweden	55 067
EU	288 766
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.

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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 gears 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 10 % of the total number of vessels of the Member State concerned, as indicated in point 1.