

Council Regulation (EC) No 1226/2009 of 20 November 2009 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes fishing opportunities for 2010 for certain fish stocks and groups of fish stocks in the Baltic Sea and the associated conditions under which such fishing opportunities may be used.

^{F1}Article 2

Scope

- 1 This Regulation shall apply to Community fishing vessels ('Community vessels') operating in the Baltic Sea.
- 2 By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State whose flag the vessel concerned is flying and of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out, ICES and STECF of all catches from such fishing operations.
- 3 Paragraph 2 shall not apply to fishing operations by vessels participating in initiatives regarding fully documented fisheries where such fisheries benefit from additional quotas.]

Textual Amendments

- F1** Substituted by [Council Regulation \(EU\) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending Regulations \(EC\) No 1359/2008, \(EC\) No 754/2009, \(EC\) No 1226/2009 and \(EC\) No 1287/2009.](#)

Article 3

Definitions

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1226/2009. (See end of Document for details)

- (a) the International Council for the Exploration of the Sea (ICES) zones are the geographical areas specified in Annex I to Regulation (EC) No 2187/2005;
- (b) 'Baltic Sea' means ICES Subdivisions 22-32;
- (c) 'total allowable catch' (TAC) means the quantity that can be taken from each stock each year;
- (d) 'quota' means a proportion of the TAC allocated to the Community, a Member State or a third country;
- (e) '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 AND ASSOCIATED CONDITIONS

Article 4

Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and associated conditions set out in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

Article 5

Special provisions on allocations

1 The allocation of catch limits among Member States as set out in Annex I shall be without prejudice to:

- a exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- b reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;
- 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 Article 23(4) of Regulation (EC) No 2371/2002 and Article 2 of Regulation (EC) No 338/2008.

2 For the purpose of withholding quotas to be transferred to 2011, Article 4(2) of Regulation (EC) No 847/96 may apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

Article 6

Conditions for catches and by-catches

1 Fish from stocks for which catch limits are fixed shall only be retained on board or landed if:

- a the catches have been taken by vessels of a Member State with a quota and that quota has not been exhausted; or
- b species other than herring and sprat are mixed with other species, and are not sorted either on board or on landing and the catches have been taken with trawls, Danish seines or similar gears of a mesh size less than 32 mm.

2 All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share, except for catches made under paragraph 1(b).

3 Where the quota for herring allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community, and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain herring.

4 Where the quota for sprat allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community, and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain sprat.

Article 7

Prohibition of highgrading

Any species subject to quota which is caught during fishing operations shall be brought aboard the vessel and subsequently landed unless this would be contrary to obligations laid down in Community fisheries legislation establishing technical, control, and conservation measures, and in particular in this Regulation and in Regulation (EC) No 2187/2005, Regulation (EEC) No 2847/93, and Regulation (EC) No 2371/2002.

Article 8

Fishing effort limits

1 Fishing effort limits are set out in Annex II.

2 The limits referred to in paragraph 1 shall 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.

Article 9

Transitional technical measures

Transitional technical measures are set out in Annex III.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 1226/2009. (See end of Document for details)

CHAPTER III

FINAL PROVISIONS

Article 10

Data transmission

When Member States send data to the Commission relating to landings of quantities of stocks caught, pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

Article 11

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 2010.

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 (EC) No 1226/2009.