

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those stocks and repealing Regulation (EC) No 423/2004 (repealed)

CHAPTER II

**TOTAL ALLOWABLE CATCHES**

*Article 6*

**Minimum and precautionary levels**

The minimum spawning biomass level and the precautionary spawning biomass level for each of the cod stocks shall be as follows:

<b>Stock</b>	<b>Minimum spawning biomass Levels in tonnes</b>	<b>Precautionary spawning biomass Levels in tonnes</b>
Cod in the Kattegat	6 400	10 500
Cod in the North Sea, Skagerrak and eastern Channel	70 000	150 000
Cod to the west of Scotland	14 000	22 000
Cod in the Irish Sea	6 000	10 000

*Article 7*

**Procedure for setting TACs for cod stocks in the Kattegat the west of Scotland and the Irish Sea**

1 Each year, the Council shall decide on the TAC for the following year for each of the cod stocks in the Kattegat, the west of Scotland and the Irish Sea. The TAC shall be calculated by deducting the following quantities from the total removals of cod that are forecast by STECF as corresponding to the fishing mortality rates referred to in paragraphs 2 and 3:

- a a quantity of fish equivalent to the expected discards of cod from the stock concerned;
- b as appropriate a quantity corresponding to other sources of cod mortality caused by fishing to be fixed on the basis of a proposal from the Commission.

2 The TAC shall, based on the advice of STECF, satisfy all of the following conditions:

- a if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the minimum spawning biomass level established in Article 6, the fishing mortality rate shall be reduced by 25 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year;
- b if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the precautionary spawning biomass level set out in Article 6 and above or equal to the minimum spawning biomass level established in Article 6,

the fishing mortality rate shall be reduced by 15 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year; and

- c if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be above or equal to the precautionary spawning biomass level set out in Article 6, the fishing mortality rate shall be reduced by 10 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year.

3 If the application of paragraph 2(b) and (c) would, based on the advice of STECF, result in a fishing mortality rate lower than the fishing mortality rate specified in Article 5(2), the Council shall set the TAC at a level resulting in a fishing mortality rate as specified in that Article.

4 When giving its advice in accordance with paragraphs 2 and 3, STECF shall assume that in the year prior to the year of application of the TAC the stock is fished with an adjustment in fishing mortality equal to the reduction in maximum allowable fishing effort that applies in that year.

5 Notwithstanding paragraph 2(a), (b) and (c) and paragraph 3, the Council shall not set the TAC at a level that is more than 20 % below or above the TAC established in the previous year.

#### *Article 8*

#### **Procedure for setting TACs for the cod stock in the North Sea, the Skagerrak and the eastern Channel**

1 Each year, the Council shall decide on the TACs for the cod stock in the North Sea, the Skagerrak and the eastern Channel. The TACs shall be calculated by applying the reduction rules set out in Article 7 paragraph 1(a) and (b).

2 The TACs shall initially be calculated in accordance with paragraphs 3 and 5. From the year where the TACs resulting from the application of paragraphs 3 and 5 would be lower than the TACs resulting from the application of paragraphs 4 and 5, the TACs shall be calculated according to the paragraphs 4 and 5.

3 Initially, the TACs shall not exceed a level corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75 % for the TACs in 2009, 65 % for the TACs in 2010, and applying successive decrements of 10 % for the following years.

4 Subsequently, if the size of the stock on 1 January of the year prior to the year of application of the TACs is:

- a above the precautionary spawning biomass level, the TACs shall correspond to a fishing mortality rate of 0,4 on appropriate age groups;
- b between the minimum spawning biomass level and the precautionary spawning biomass level, the TACs shall not exceed a level corresponding to a fishing mortality rate on appropriate age groups equal to the following formula:

$0,4 - (0,2 * (\text{Precautionary spawning biomass level} - \text{spawning biomass}) / (\text{Precautionary spawning biomass level} - \text{minimum spawning biomass level}))$

- c at or below the limit spawning biomass level, the TACs shall not exceed a level corresponding to a fishing mortality rate of 0,2 on appropriate age groups.

5 Notwithstanding paragraphs 3 and 4, the Council shall not set the TACs for 2010 and subsequent years at a level that is more than 20 % below or above the TACs established in the previous year.

6 Where the cod stock referred to in paragraph 1 has been exploited at a fishing mortality rate close to 0,4 during three successive years, the Commission shall evaluate the application of this Article and, where appropriate, propose relevant measures to amend it in order to ensure exploitation at maximum sustainable yield.

#### *Article 9*

### **Procedure for setting TACs in poor data conditions**

Where, due to lack of sufficiently accurate and representative information, STECF is not able to give advice allowing the Council to set the TACs in accordance with Articles 7 or 8, the Council shall decide as follows:

- (a) where STECF advises that the catches of cod should be reduced to the lowest possible level, the TACs shall be set according to a 25 % reduction compared to the TAC in the previous year;
- (b) in all other cases the TACs shall be set according to a 15 % reduction compared to the TAC in the previous year, unless STECF advises that this is not appropriate.

#### *Article 10*

### **Adaptation of measures**

1 When the target fishing mortality rate in Article 5(2) has been reached or in the event that STECF advises that this target, or the minimum and precautionary spawning biomass levels in Article 6 or the levels of fishing mortality rates given in Article 7(2) are no longer appropriate in order to maintain a low risk of stock depletion and a maximum sustainable yield, the Council shall decide on new values for these levels.

2 In the event that STECF advises that any of the cod stocks is failing to recover properly, the Council shall take a decision which:

- a sets the TAC for the relevant stock at a level lower than that provided for in Articles 7, 8 and 9;
- b sets the maximum allowable fishing effort at a level lower than that provided for in Article 12;
- c establishes associated conditions as appropriate.