

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

COUNCIL REGULATION (EC) No 1226/2009

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>(1)</sup>, and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas<sup>(2)</sup>, and in particular Article 2 thereof,

Having regard to 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<sup>(3)</sup>, and in particular Articles 5 and 8(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries, as well as in the light of any advice received from the Baltic Sea Regional Advisory Council.
- (2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunity limits by fishery or group of fisheries and the allocation of these opportunities to Member States.
- (3) In order to ensure effective management of fishing opportunities, the specific conditions under which fishing operations are carried out should be established.
- (4) The principles and certain procedures for fishery management need to be laid down at Community level, so that Member States can ensure the management of the vessels flying their flag.
- (5) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.

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

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- (6) In accordance with Article 2 of Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.
- (7) Fishing opportunities should be used in accordance with Community legislation, and in particular with Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish<sup>(4)</sup>, Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels<sup>(5)</sup>, Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels<sup>(6)</sup>, Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic<sup>(7)</sup>, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy<sup>(8)</sup>, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems<sup>(9)</sup>, 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<sup>(10)</sup>, Regulation (EC) No 1098/2007 and Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing<sup>(11)</sup>.
- (8) To ensure that annual fishing opportunities are set at a level commensurate with the sustainable exploitation of resources in environmental, economic and social terms, account has been taken of the guiding principles for fixing total allowable catches (TACs) as described in the Communication from the Commission on the Consultation on fishing opportunities for 2010.
- (9) In order to reduce discards, it is appropriate to establish a high-grading ban for any species subject to quota, implying a prohibition on discarding species subject to quota that can legally be caught and landed under Community fisheries legislation.
- (10) To help conserve fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2010.
- (11) To ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2010. Given the urgency of the matter, it is necessary to grant an exception to the 6-week period referred to in point I.3 of the Protocol on the role of national Parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 358, 31.12.2002, p. 59.
- (2) OJ L 115, 9.5.1996, p. 3.
- (3) OJ L 248, 22.9.2007, p. 1.
- (4) OJ L 276, 10.10.1983, p. 1.
- (5) OJ L 274, 25.9.1986, p. 1.
- (6) OJ L 132, 21.5.1987, p. 9.
- (7) OJ L 365, 31.12.1991, p. 1.
- (8) OJ L 261, 20.10.1993, p. 1.
- (9) OJ L 333, 20.12.2003, p. 17.
- (10) OJ L 16, 20.1.2005, p. 184.
- (11) OJ L 286, 29.10.2008, p. 1.

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