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COUNCIL REGULATION (EU) No 1180/2013

of 19 November 2013

fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea

(OJ L 313, 22.11.2013, p. 4)

Amended by:

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**COUNCIL REGULATION (EU) No 1180/2013****of 19 November 2013****fixing for 2014 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) Council Regulation (EC) No 2371/2002 ⁽¹⁾ requires that measures governing access to waters and resources and the sustainable pursuit of fishing activities be established taking into account the scientific, technical and economic advice available and, in particular, the report drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) as well as in the light of any advice received from regional advisory councils.
- (2) 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 with due regard to the objectives of the Common Fisheries Policy established in Regulation (EC) No 2371/2002.
- (3) The total allowable catches (TACs) should be established on the basis of the scientific advice available, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of opinions expressed during the consultation of stakeholders, in particular at meetings with the regional advisory councils concerned.

⁽¹⁾ Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59).

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- (4) For stocks subject to specific multiannual plans, the fishing opportunities should be established in accordance with the rules laid down in those 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 ⁽¹⁾ ('the Baltic Sea Cod Plan').
- (5) In the light of the scientific advice, flexibility in the management of the fishing effort for cod stocks in the Baltic Sea can be introduced without jeopardising the objectives of the Baltic Sea Cod Plan and without causing an increase in fishing mortality. Such flexibility would allow for more efficient management of the fishing effort where quotas are not allocated equally among the fleet of a Member State and would facilitate swift reactions to quota exchanges. A Member State should, therefore, be allowed to allocate to vessels flying its flag additional days absent from port where an equal amount of days absent from port is withdrawn from other vessels flying its flag.
- (6) The use of fishing opportunities as set out in this Regulation should be subject to Council Regulation (EC) No 1224/2009 ⁽²⁾, and in particular provisions concerning the recording of catches and fishing effort and the information on data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes relating to landings of stocks subject to this Regulation which are to be used by the Member States when sending data to the Commission.
- (7) In accordance with Council Regulation (EC) No 847/96 ⁽³⁾, the stocks that are subject to the various measures referred to therein must be identified.
- (8) In order to avoid interruption of fishing activities and to ensure the livelihood of Union fishermen, it is important to open the fisheries covered by this Regulation as from 1 January 2014. For reasons of urgency, this Regulation should enter into force immediately after its publication,

⁽¹⁾ 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, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

⁽²⁾ 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽³⁾ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

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HAS ADOPTED THIS REGULATION:

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 2014.

Article 2

Scope

This Regulation applies to Union vessels operating in the Baltic Sea.

Article 3

Definitions

For the purposes of this Regulation the following definitions apply:

- (a) ‘International Council for the Exploration of the Sea (ICES) zones’ means the geographical areas specified in Annex I to Council Regulation (EC) No 2187/2005 ⁽¹⁾;
- (b) ‘Baltic Sea’ means ICES Subdivisions 22-32;
- (c) ‘Union 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 a vessel is not present in a port.

⁽¹⁾ 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, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

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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 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 a precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.

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Article 5a

Flexibility in the fixing of fishing opportunities of certain stocks

1. This Article shall apply to the following stocks:

- (a) herring in ICES subdivisions 30-31;
- (b) herring in Union waters of ICES subdivisions 25-27, 28.2, 29 and 32;
- (c) herring in ICES subdivision 28.1;
- (d) sprat in Union waters of ICES subdivisions 22-32.

▼ M1

2. Any quantities up to 25 % of a Member State's quota of the stocks identified in paragraph 1 that have not been used in 2014 shall be added for the purpose of calculating the quota of the Member State concerned for the relevant stock for 2015. Any quantities transferred to other Member States pursuant to Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽¹⁾ as well as any quantities deducted pursuant to Articles 37, 105 and 107 of Regulation (EC) No 1224/2009 shall be taken into account for the purpose of establishing quantities used and quantities not used under this paragraph.

3. Article 4 of Regulation (EC) No 847/96 shall not apply to stocks identified in paragraph 1 of this Article in respect of the Member States concerned.

▼ B*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 the catches and by-catches have been taken by vessels of a Member State having a quota and that quota is not 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, unless the Commission has 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), Article 8(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, unless the Commission has 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) and Article 8(3), (4) and (5) of Regulation (EC) No 1098/2007 shall apply to that subdivision.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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CHAPTER III
FINAL PROVISIONS

Article 8

Data transmission

When Member States send the Commission data relating to landings of quantities of stocks caught, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, 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 2014.

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

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ANNEX I

TACs APPLICABLE TO UNION 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.

The fish stocks are referred to following 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/3D30.; HER/3D31.
Finland	112 977
Sweden	24 823
Union	137 800
TAC	137 800

Analytical TAC

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Article 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: subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	2 769
Germany	10 900
Finland	1
Poland	2 570
Sweden	3 514
Union	19 754
TAC	19 754

Analytical TAC
 Article 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/3D25.; HER/3D26.; HER/3D27.; HER/3D28.2; HER/3D29.; HER/3D32.
Denmark	2 480
Germany	658
Estonia	12 664
Finland	24 721
Latvia	3 125
Lithuania	3 291
Poland	28 085
Sweden	37 701
Union	112 725
TAC	Not relevant
Analytical TAC	

▼M1

Article 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: subdivision 28.1 HER/03D.RG
Estonia	14 186
Latvia	16 534
Union	30 720
TAC	30 720
Analytical TAC	

▼M1

Article 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: Cod <i>Gadus morhua</i>	Zone: Union waters of subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	15 147
Germany	6 025
Estonia	1 476
Finland	1 159
Latvia	5 632
Lithuania	3 710
Poland	17 440
Sweden	15 345
Union	65 934
TAC	Not relevant
Analytical TAC	

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Species: Cod <i>Gadus morhua</i>		Zone: subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	7 436	
Germany	3 636	
Estonia	165	
Finland	146	
Latvia	615	
Lithuania	399	
Poland	1 990	
Sweden	2 650	
Union	17 037	
TAC	17 037	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.
Species: Plaice <i>Pleuronectes platessa</i>		Zone: Union 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	2 443	
Germany	271	
Poland	511	
Sweden	184	
Union	3 409	
TAC	3 409	Precautionary TAC
Species: Atlantic salmon <i>Salmo salar</i>		Zone: Union 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	22 087 ⁽¹⁾	
Germany	2 457 ⁽¹⁾	
Estonia	2 245 ⁽¹⁾	
Finland	27 541 ⁽¹⁾	
Latvia	14 049 ⁽¹⁾	
Lithuania	1 651 ⁽¹⁾	
Poland	6 700 ⁽¹⁾	
Sweden	29 857 ⁽¹⁾	
Union	106 587 ⁽¹⁾	
TAC	Not relevant	Analytical TAC Article 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.

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Species: Atlantic salmon <i>Salmo salar</i>		Zone: Union waters of subdivision 32 SAL/3D32.
Estonia	1 344 ⁽¹⁾	
Finland	11 762 ⁽¹⁾	
Union	13 106 ⁽¹⁾	
TAC	Not relevant	Precautionary TAC

⁽¹⁾ Expressed by number of individual fish.

Species: Sprat <i>Sprattus sprattus</i>		Zone: Union 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	23 672 ⁽¹⁾	
Germany	14 997 ⁽¹⁾	
Estonia	27 489 ⁽¹⁾	
Finland	12 392 ⁽¹⁾	
Latvia	33 200 ⁽¹⁾	
Lithuania	12 010 ⁽¹⁾	
Poland	70 456 ⁽¹⁾	
Sweden	45 763 ⁽¹⁾	
Union	239 979	
TAC	Not relevant	Analytical TAC

▼M1

Article 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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⁽¹⁾ At least 92 % of landings counted against the quota must be of sprat. By-catches of herring are to be counted against the remaining 8 % of the quota (HER/*3BCDC).

*ANNEX II***FISHING EFFORT LIMITS**

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) 147 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) 146 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 gear specified in point 1 may not exceed the maximum number of days absent from port allocated for one of those 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 15 % of the total number of vessels of the Member State concerned, as indicated in point 1.