

Council Regulation (EU) No 1221/2014 of 10 November 2014 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 43/2014 and (EU) No 1180/2013

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 2015.

Article 2

Scope

This Regulation shall apply to Union fishing vessels operating in the Baltic Sea.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (1) 'ICES' means International Council for the Exploration of the Sea;
- (2) 'Baltic Sea' means ICES zones IIIb, IIIc and IIId;
- (3) 'subdivision' means an ICES subdivision of the Baltic sea as defined in Annex I to Council Regulation (EC) No 2187/2005⁽¹⁾;
- (4) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources;
- (5) 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (6) 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of fishing vessels it is the sum of the fishing effort of all fishing vessels in the group;
- (7) 'stock' means a marine biological resource that occurs in a given management area;
- (8) 'total allowable catch' (TAC) means the quantity of each stock that can be:
 - (i) caught over the period of a year, in the fisheries that are subject to the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013; or

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- (ii) landed over the period of a year, in the fisheries that are not subject to the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013;
- (9) ‘quota’ means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (10) ‘days absent from port’ means any continuous period of 24 hours or part thereof during which a fishing vessel is not present in a port.

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 of fishing opportunities

The allocation of fishing opportunities to Member States as set out in this Regulation shall be without prejudice to:

- (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
- (b) deductions and 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 or under Article 15(9) of Regulation (EU) No 1380/2013;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 or transferred under Article 15(9) of Regulation (EU) No 1380/2013;
- (e) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009.

[^{F1}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 subdivision 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 subdivision 22-32.

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2 Any quantities up to 25 % of a Member State's initial quota of the stocks identified in paragraph 1 that have not been used in 2015 shall be added for the purpose of calculating the quota of the Member State concerned for the relevant stock for 2016. Any quantities transferred to other Member States pursuant to Article 16(8) of Regulation (EU) No 1380/2013 and 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 Where a Member State has used the option provided for in paragraph 2 of this Article in respect of a particular stock, no other flexibility as regards a carry-over of unused fishing opportunities shall apply in respect of that stock.]

Textual Amendments

- F1** Inserted by Council Regulation (EU) 2015/2072 of 17 November 2015 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104.

Article 6

Conditions for landing catches and by-catches not subject to the landing obligation

Catches and by-catches of plaice shall be retained on board or landed only if they have been taken by Union fishing vessels flying the flag of a Member State having a quota and that quota is not exhausted.

Article 7

Fishing effort limits

Fishing effort limits are set out in Annex II.

CHAPTER III

FLEXIBILITY IN THE FIXING OF FISHING OPPORTUNITIES OF CERTAIN STOCKS

Article 8

Amendments to Regulation (EU) No 43/2014

Regulation (EU) No 43/2014 is amended as follows:

- (1) Article 18a is amended as follows:
 - (a) in paragraph 1, the following subparagraphs are inserted:
 - (m) herring in zones VIIa, VIIg, VIIh, VIIj and VIIk;

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- (n) horse mackerel in Union waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIId, VIIIb, VIIIc and VIIIe; in Union and international waters of Vb; in international waters of XII and XIV;
- (b) the following paragraph is inserted:
7. By way of derogation from paragraph 4, the percentage of 10 % shall be increased by an additional 15 % in respect of stocks referred to in paragraph 1(c), (d), (f), (g), (j), (k), (m) and (n).;
- (2) in Annex IA, the entry for sprat and associated by-catches in Union waters of IIa and IV shall be replaced by the following:

'Species:	Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone:	Union waters of IIa and IV (SPR/2AC4-C)
Belgium	1 546 ^b		
Denmark	122 383 ^b		
Germany	1 546 ^b		
France	1 546 ^b		
The Netherlands	1 546 ^b		
Sweden	1 330 ^{ab}		
United Kingdom	5 103 ^b		
Union	135 000		
Norway	9 000		
TAC	144 000		Analytical TAC

a Including sandeel.

b At least 98 % of landings counted against this quota shall be of sprat. By-catches of dab and whiting to be counted against the remaining 2 % of the quota (OTH/*2AC4C).²

Article 9

Amendments to Regulation (EU) No 1180/2013

Regulation (EU) No 1180/2013 is amended as follows:

- (1) the following Article is inserted:

Article 5a

Flexibility in the fixing of fishing opportunities of certain stocks

- 1 This Article shall apply to the following stocks:

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- 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.
- 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⁽²⁾ 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.;
- (2) in Annex I, the following footnote shall be included in respect of entries concerning the following stocks: herring in subdivisions 30-31; herring in Union waters of subdivisions 25-27, 28.2, 29 and 32; herring in subdivision 28.1; sprat in Union waters of subdivisions 22-32:
- Article 3 of Regulation (EC) No 847/96 shall not apply.
- Article 4 of Regulation (EC) No 847/96 shall not apply..

CHAPTER IV

FINAL PROVISIONS

Article 10

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send the Commission data relating to quantities of stocks caught or landed, they shall use the stock codes set out in Annex I to this Regulation.

Article 11

Flexibility

- 1 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 shall apply to stocks subject to analytical TAC.
- 2 Article 3(2) and (3) and Article 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

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Article 12

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 2015.

However, Articles 8 and 9 shall apply with effect from 1 January 2014.

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

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- (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](#)).
- (2) 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](#)).’;

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)
- Art. 5a addition by [EUR 2015/2072 Regulation](#)