

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

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 2016.

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) 'stock' means a marine biological resource that occurs in a given management area;
- (7) 'total allowable catch' (TAC) means the quantity of each stock that can be:
 - (i) caught over the period of a year, for fisheries that are subject to a landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013; or
 - (ii) landed over the period of a year, for fisheries that are not subject to a landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013;
- (8) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) 2015/2072. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 the Annex.

Article 5

Special provisions on allocations of fishing opportunities

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 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.

Article 6

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

1 Catches of species which are subject to catch limits and which have been caught in fisheries specified in Article 15(1) of Regulation (EU) No 1380/2013 are subject to the landing obligation, as established in Article 15 of that Regulation.

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

3 The stocks of non-target species within the safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in the Annex for the purpose of the derogation from the obligation to count catches against the relevant quota provided for in that Article.

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CHAPTER III

FLEXIBILITY IN THE FIXING OF FISHING OPPORTUNITIES OF CERTAIN STOCKS

Article 7

Amendment to Regulation (EU) 2015/104

In Regulation (EU) 2015/104, the following Article is inserted:

Article 18a

Flexibility in the fixing of fishing opportunities of certain stocks

- 1 This Article shall apply to the following stocks:
 - a mackerel in zones IIIa and IV; Union waters of IIa, IIIb, IIIc and IIId;
 - b mackerel in areas VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV;
 - c mackerel in Norwegian waters of IIa and IVa;
 - d herring in Union, Norwegian and international waters of I and II;
 - e herring in the North Sea north of 53° N;
 - f herring in areas IVc and VIId;
 - g herring in zones VIIa, VIIg, VIIh, VIIj and VIIk;
 - h horse mackerel in Union waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIIa, VIIIb, VIIIc and VIIIe; in Union and international waters of Vb; in international waters of XII and XIV.
- 2 Any quantities up to 25 % of a Member State's initial quota of the stocks identified in points (d) to (h) of 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. That percentage shall be 17,5 % for stocks identified in points (a) to (c) of paragraph 1. 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..

Article 8

Amendment to Regulation (EU) No 1221/2014

In Regulation (EU) No 1221/2014, the following Article is inserted:

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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 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.

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..

CHAPTER IV

FINAL PROVISIONS

Article 9

Data transmission

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

Article 10

Flexibility

1 Except where specified otherwise in the Annex 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 an 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 11

Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2016.

However, Articles 7 and 8 shall apply with effect from 1 January 2015.

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 ([OJ L 349, 31.12.2005, p. 1](#)).

Changes to legislation:

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Changes and effects yet to be applied to :

- Annex Text replacement by [EUR 2016/1252](#) Regulation
- Regulation revoked by [S.I. 2023/1143 Sch. 2 Pt. 2](#)