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**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**

(OJ L 302, 19.11.2015, p. 1)

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## 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 <sup>(1)</sup>;
- (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

<sup>(1)</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 (OJ L 349, 31.12.2005, p. 1).

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- (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.

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.

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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.

## 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 VIId; 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 VIId; 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.'

**▼B***Article 8***Amendment to Regulation (EU) No 1221/2014**

In Regulation (EU) No 1221/2014, 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:

- (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.

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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.

*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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## ANNEX

**TACs applicable to Union fishing 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.

The references to fishing zones are references to ICES zones, unless otherwise specified.

The fish stocks are referred to using 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

  

<b>Species:</b>	Herring <i>Clupea harengus</i>	<b>Zone:</b>	Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	99 098		
Sweden	21 774		
Union	120 872		
TAC	120 872		Analytical TAC

  

<b>Species:</b>	Herring <i>Clupea harengus</i>	<b>Zone:</b>	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	3 683		
Germany	14 496		
Finland	2		Article 6(3) of this Regulation shall apply.
Poland	3 419		
Sweden	4 674		
Union	26 274		
TAC	26 274		Analytical TAC Article 3(2) and (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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<b>Species:</b> Herring <i>Clupea harengus</i>		<b>Zone:</b> 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	3 905	
Germany	1 035	
Estonia	19 942	Article 6(3) of this Regulation shall apply.
Finland	38 927	
Latvia	4 921	
Lithuania	5 182	
Poland	44 224	
Sweden	59 369	
Union	177 505	
TAC	Not relevant	Analytical TAC

<b>Species:</b> Herring <i>Clupea harengus</i>		<b>Zone:</b> Subdivision 28.1 HER/03D.RG
Estonia	16 124	
Latvia	18 791	Article 6(3) of this Regulation shall apply.
Union	34 915	
TAC	34 915	Analytical TAC

<b>Species</b> Cod <i>Gadus morhua</i>		<b>Zone:</b> Union waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	9 451	
Germany	3 760	
Estonia	921	
Finland	723	
Latvia	3 514	
Lithuania	2 315	
Poland	10 884	
Sweden	9 575	
Union	41 143	
TAC	Not relevant	Precautionary TAC Article 3(2) and (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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<b>Species:</b>	Cod <i>Gadus morhua</i>	<b>Zone:</b>	Subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	5 552 <sup>(1)</sup>		
Germany	2 715 <sup>(1)</sup>		
Estonia	123 <sup>(1)</sup>		
Finland	109 <sup>(1)</sup>		
Latvia	459 <sup>(1)</sup>		
Lithuania	298 <sup>(1)</sup>		
Poland	1 486 <sup>(1)</sup>		
Sweden	1 978 <sup>(1)</sup>		
Union	12 720 <sup>(1)</sup>		
TAC	12 720 <sup>(1)</sup>		Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

<sup>(1)</sup> This quota may be fished from 1 January to 14 February and from 1 April till 31 December 2016.

<b>Species:</b>	Plaice <i>Pleuronectes platessa</i>	<b>Zone:</b>	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	2 890		
Germany	321		
Poland	605		
Sweden	218		
Union	4 034		
TAC	4 034		Analytical TAC

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<b>Species:</b>	Atlantic salmon <i>Salmo salar</i>	<b>Zone:</b>	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	19 879 <sup>(1)</sup>		
Germany	2 212 <sup>(1)</sup>		
Estonia	2 020 <sup>(1)</sup>		
Finland	24 787 <sup>(1)</sup>		
Latvia	12 644 <sup>(1)</sup>		
Lithuania	1 486 <sup>(1)</sup>		
Poland	6 030 <sup>(1)</sup>		
Sweden	26 870 <sup>(1)</sup>		
Union	95 928 <sup>(1)</sup>		
TAC	Not relevant		Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

<sup>(1)</sup> Expressed by number of individual fish.

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

<sup>(1)</sup> Expressed by number of individual fish.

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<b>Species:</b>	Sprat <i>Sprattus sprattus</i>	<b>Zone:</b>	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	19 958		
Germany	12 644		
Estonia	23 175		
Finland	10 447		
Latvia	27 990		
Lithuania	10 125		
Poland	59 399		
Sweden	38 582		
Union	202 320		
TAC	Not relevant		Article 6(3) of this Regulation shall apply. Analytical TAC