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COUNCIL REGULATION (EU) 2017/1970

of 27 October 2017

fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127

(OJ L 281, 31.10.2017, 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 2018.

Article 2

Scope

1. This Regulation shall apply to Union fishing vessels operating in the Baltic Sea.
2. This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (1) ‘subdivision’ means an ICES subdivision of the Baltic Sea as defined in Annex I to Council Regulation (EC) No 2187/2005 ⁽¹⁾;
- (2) ‘total allowable catch’ (TAC) means the quantity of each stock that can be caught over the period of a year;
- (3) ‘quota’ means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (4) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport.

⁽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).



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 and 107 of Regulation (EC) No 1224/2009.

Article 6

Conditions for landing of catches and by-catches

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 that Article.

2. 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 to this Regulation for the purpose of the derogation from the obligation to count catches against the relevant quota provided for in that Article.

Article 7

Measures on recreational fisheries for cod in subdivisions 22-24

1. In recreational fisheries, no more than five specimens of cod may be retained per fisherman per day in subdivisions 22-24.

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2. By way of derogation from paragraph 1, no more than three specimens of cod may be retained per fisherman per day in subdivisions 22-24 in the period from 1 February 2018 to 31 March 2018.

3. Paragraphs 1 and 2 are without prejudice to more stringent national measures.

CHAPTER III

FINAL PROVISIONS*Article 8***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 9***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 TACs 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.

*Article 10***Amendment to Regulation (EU) 2017/127**

In Annex IA to Regulation (EU) 2017/127, the fishing opportunities table for Norway pout and associated by-catches in 3a, and Union waters of 2a and 4 is replaced by the following:

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‘Species: Norway pout and associated by-catches <i>Trisopterus esmarkii</i>		Zone: 3a; Union waters of 2a and 4 (NOP/2A3A4.)	
Year	2017	2018	
Denmark	141 819 ⁽¹⁾ ⁽²⁾	54 949 ⁽¹⁾ ⁽⁶⁾	
Germany	27 ⁽¹⁾ ⁽²⁾ ⁽³⁾	11 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾	
The Netherlands	104 ⁽¹⁾ ⁽²⁾ ⁽³⁾	40 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾	
Union	141 950 ⁽¹⁾ ⁽²⁾	55 000 ⁽¹⁾ ⁽⁶⁾	
Norway	25 000 ⁽⁴⁾		
Faroe Islands	9 300 ⁽⁵⁾		
TAC	238 981	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⁾ Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽²⁾ Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.

⁽³⁾ ► **C1** Union quota may only be fished from 1 November 2016 to 31 October 2017. ◀

⁽⁴⁾ A sorting grid shall be used.

⁽⁵⁾ A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.

⁽⁶⁾ Union quota may be fished from 1 November 2017 to 31 October 2018.’.

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 2018, with the exception of Article 10 which shall apply from 1 November 2017.

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

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Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	78 351		
Sweden	17 215		
Union	95 566		
TAC	95 566		Analytical TAC

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Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	2 426		
Germany	9 551		
Finland	1		
Poland	2 252		
Sweden	3 079		
Union	17 309		
TAC	17 309		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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Species:	Herring <i>Clupea harengus</i>	Zone:	Union waters of Subdivisions 25-27, 28.2, 29 and 32 (HER/3D-R30)
Denmark	5 045		
Germany	1 338		
Estonia	25 767		
Finland	50 297		
Latvia	6 359		
Lithuania	6 696		
Poland	57 142		
Sweden	76 711		
Union	229 355		
TAC	Not relevant		Analytical TAC Article 6(2) of this Regulation shall apply.

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivision 28.1 (HER/03D.RG)
Estonia	13 392		
Latvia	15 607		
Union	28 999		
TAC	28 999		Analytical TAC Article 6(2) of this Regulation shall apply.

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Species	Cod <i>Gadus morhua</i>	Zone:	Union waters of Subdivisions 25-32 (COD/3DX32.)
Denmark	6 521 ^(*)		
Germany	2 594 ^(*)		
Estonia	635 ^(*)		
Finland	499 ^(*)		
Latvia	2 425 ^(*)		
Lithuania	1 597 ^(*)		
Poland	7 510 ^(*)		
Sweden	6 607 ^(*)		
Union	28 388 ^(*)		
TAC	Not relevant		<div style="border: 1px solid black; padding: 5px;"> 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. </div>

^(*) In subdivisions 25 and 26, fishing vessels shall be prohibited from 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 fish this quota from 1 July to 31 August. By way of derogation from the first paragraph, that closure period shall not apply to fishing vessels of less than 12 metres in length overall that fish in areas where the water depth is less than 20 meters according to the coordinates on the official sea chart. Those vessels shall ensure that their fishing activity can be monitored at any time. For that purpose, they can for example be equipped with a vessel monitoring system (VMS), or equivalent electronic monitoring system certified by the control authority, or paper logbooks in combination with established inspection and surveillance procedures in line with Council Regulation (EC) No 1224/2009. Member States shall send the catch data to the Commission on a weekly basis.

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Species:	Cod <i>Gadus morhua</i>	Zone:	Subdivisions 22-24 (COD/3BC+24)
Denmark	2 444 (°)		
Germany	1 194 (°)		
Estonia	54 (°)		
Finland	48 (°)		
Latvia	202 (°)		
Lithuania	131 (°)		
Poland	654 (°)		
Sweden	870 (°)		
Union	5 597 (°)		
TAC	5 597 (°)		

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.

(°) Fishing vessels shall be prohibited from 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 fish this quota from 1 February to 31 March.

By way of derogation from the first paragraph, that closure period shall not apply to fishing vessels of less than 12 metres in length overall that fish in areas where the water depth is less than 20 meters according to the coordinates on the official sea chart. Those vessels shall ensure that their fishing activity can be monitored at any time. For that purpose, they can for example be equipped with a vessel monitoring system (VMS), or equivalent electronic monitoring system certified by the control authority, or paper logbooks in combination with established inspection and surveillance procedures in line with Council Regulation (EC) No 1224/2009. Member States shall send the catch data to the Commission on a weekly basis.

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	Union waters of Subdivisions 22-32 (PLE/3BCD-C)
Denmark	5 070		
Germany	563		
Poland	1 061		
Sweden	382		
Union	7 076		
TAC	7 076		

Analytical TAC

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Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of Subdivisions 22-31 (SAL/3BCD-F)
Denmark	18 885 ⁽¹⁾		
Germany	2 101 ⁽¹⁾		
Estonia	1 919 ⁽¹⁾		
Finland	23 548 ⁽¹⁾		
Latvia	12 012 ⁽¹⁾		
Lithuania	1 412 ⁽¹⁾		
Poland	5 729 ⁽¹⁾		
Sweden	25 526 ⁽¹⁾		
Union	91 132 ⁽¹⁾		
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.

⁽¹⁾ Expressed by number of individual fish.

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of Subdivision 32 (SAL/3D32.)
Estonia	1 026 ⁽¹⁾		
Finland	8 977 ⁽¹⁾		
Union	10 003 ⁽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/3BCD-C)
Denmark	25 875		
Germany	16 393		
Estonia	30 047		
Finland	13 545		
Latvia	36 289		
Lithuania	13 127		
Poland	77 012		
Sweden	50 022		
Union	262 310		
TAC	Not relevant		Analytical TAC Article 6(2) of this Regulation shall apply.