

Council Regulation (EU) 2019/1838 of 30 October 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124 as regards certain fishing opportunities in other waters

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 2020 and amends certain fishing opportunities in other waters fixed by Regulation (EU) 2019/124.

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 III to Council Regulation (EC) No 218/2009⁽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.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EU) 2019/1838. 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 and 107 of Regulation (EC) No 1224/2009.

Article 6

Conditions for landing of catches and by-catches

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

Article 7

Measures on recreational fisheries for cod in subdivisions ICES 22-26

1 In recreational fisheries, no more than five specimens of cod may be retained per fisherman per day in ICES subdivisions 22 and 23 and in ICES subdivision 24 within six nautical miles measured from the baselines.

2 By way of derogation from paragraph 1, no more than two specimens of cod may be retained per fishermen per day in ICES subdivisions 22 and 23 and in ICES subdivision 24 within six nautical miles measured from the baselines in the period from 1 February to 31 March 2020.

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3 Recreational fishing for cod shall be prohibited in ICES subdivision 24 beyond six nautical miles measured from the baselines and in ICES subdivisions 25 and 26.

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

Article 8

Measures on sea trout and salmon fishing in ICES subdivisions 22-32

1 Fishing for sea trout beyond four nautical miles measured from the baselines in ICES subdivisions 22-32 is prohibited for fishing vessels from 1 January to 31 December 2020. When fishing for salmon in those waters, by-catches of sea trout shall not exceed 3 % of the total catch of salmon and sea trout at any moment on board or landed after each fishing trip.

2 Paragraph 1 is without prejudice to more stringent national measures.

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

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.

CHAPTER III

FINAL PROVISIONS

Article 11

Amendments to Regulation (EU) 2019/124

1 Annex IA to Regulation (EU) 2019/124 is amended as follows:

(1) the fishing opportunities table for common sole in ICES divisions 7f and 7g is replaced by the following:

Species:	Common sole <i>Solea solea</i>	Zone:	7f and 7g(SOL/7FG.)
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Belgium	630	Analytical TAC
France	63	
Ireland	32	
United Kingdom	284	
Union	1 009	
TAC	1 009	

- (2) the fishing opportunities table for Norway pout and associated by-catches in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 is replaced by the following:

'Species:	Norway pout and associated by-catches <i>Trisopterus esmarkii</i>				Zone:	3a; Union waters of 2a and 4(NOP/2A3A4.)
Year	2019		2020		Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
Denmark	54 949	ac	64 940	af		
Germany	11	abc	12	abf		
The Netherlands	40	abc	48	abf		
Union	55 000	ac	65 000	af		
Norway	14 500	d	0	d		
Faroe Islands	5 000	e	0	e		
TAC	Not relevant		Not relevant			

a 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.

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

c Union quota may only be fished from 1 November 2018 to 31 October 2019.

d A sorting grid shall be used.

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

f Union quota may be fished from 1 November 2019 to 31 October 2020.'

- 2 In Annex IJ, in the fishing opportunities table for toothfish in SPRFMO Convention Area, the reporting code "TOP/SPRFMO" is replaced by "TOT/SPR-AE".

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Article 12

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 2020, with the exception of point (2) of Article 11(1), which shall apply from 1 November 2019 until 31 October 2020, and of point (1) of Article 11(1) and Article 11(2), which shall apply from 1 January 2019.

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

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- (1) Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

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Changes and effects yet to be applied to :

- [Regulation revoked by 2023 c. 28 Sch. 1 Pt. 2](#)