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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters

COUNCIL REGULATION (EU) 2021/…

of …

fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[1] requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries and other advisory bodies, as well as advice from advisory councils established for the relevant geographical areas of competence and joint recommendations made by Member States.

(2) The Council is to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked to those fishing opportunities, as appropriate. Regulation (EU) No 1380/2013 provides that fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each stock or fishery.

(3) Regulation (EU) No 1380/2013 provides that the objective of the Common Fisheries Policy is to achieve the maximum sustainable yield (MSY) exploitation rate by 2015 where possible and, on a progressive, incremental basis, at the latest by 2020 for all stocks. The objective of the transitory period until 2020 was to balance the achievement of MSY for all stocks with the possible socio-economic implications of the possible adjustments of related fishing opportunities.

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[1] 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).

(4) The total allowable catches (TACs) should therefore be established, in accordance with Regulation (EU) No 1380/2013, on the basis of the available scientific advice, taking into account biological and socio-economic implications while ensuring fair treatment between fishing sectors and taking into account the opinions expressed during the consultation with stakeholders.

(5) Regulation (EU) 2016/1139 of the European Parliament and of the Council[1] establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks (the 'plan'). The plan aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY. Regulation (EU) No 1380/2013 provides that, for stocks subject to specific multiannual plans, the fishing opportunities are to be established in accordance with the rules laid down in those multiannual plans.

(6) In accordance with Article 4(1) of the plan, the fishing opportunities for stocks listed in Article 1 of the plan were to be fixed to achieve fishing mortality at MSY, expressed in ranges, as soon as possible and, on a progressive, incremental basis, at the latest by 2020. The catch limits applicable in 2022 for the relevant stocks in the Baltic Sea should therefore be established in line with the objectives of the plan.

[1] Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

(7) The International Council for the Exploration of the Sea (ICES) published its annual stock advice for Baltic stocks on 28 May 2021. It indicated that the biomass of the western Baltic herring in ICES subdivisions 20-24 was only 54 % of the limit reference point for spawning stock biomass (B_{lim}), below which it is possible that reproductive capacity might be reduced. Furthermore, recruitment remains at historically low levels. ICES therefore published for the fourth consecutive year an advice for zero catches for western Baltic herring. Pursuant to Article 5(2) of Regulation (EU) 2016/1139, all appropriate remedial measures should therefore be adopted to ensure a rapid return of the stock concerned to levels above the level capable of producing MSY. Moreover, that provision requires further remedial measures to be adopted. If the fishing opportunities for western Baltic herring were set at the level indicated in the ICES advice, the obligation to land all catches in mixed fisheries with by-catches of western Baltic herring would lead to the phenomenon of 'choke species'. In order to strike the right balance between, on the one hand, allowing fisheries for other stocks to continue in view of otherwise potentially severe socio-economic implications and, on the other hand, the need to achieve a good biological status for the stock, taking into account the difficulty of fishing all stocks in a mixed fishery at MSY at the same time, it is appropriate to establish a specific TAC for by-catches of western Baltic herring. However, fishing operations conducted for the exclusive purpose of scientific investigations and in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241 of the European Parliament and of the Council[1], as well as small-scale coastal fishermen fishing with certain passive gears, should be allowed to target western Baltic herring. The level of the TAC should be such that mortality is not increased and that it provides incentives for improvements in selectivity and avoidance.

[1] Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

(8) As regards the eastern Baltic cod stock, since 2019 ICES has been able to base its precautionary advice on a more data-rich assessment. ICES estimates that the biomass of the eastern Baltic cod stock continues to be below B_{lim} and has decreased further since 2020. ICES therefore published for the third consecutive year an advice for zero catches for eastern Baltic cod. Since 2019, strict conservation measures have been adopted in the Union. Pursuant to Article 5(2) of Regulation (EU) 2016/1139, the targeted fishery of eastern Baltic cod was closed and the TAC for unavoidable by-catches of eastern Baltic cod was set at a very low level to avoid the phenomenon of 'choke species' in other fisheries. Moreover, further remedial measures functionally linked to the fishing opportunities were adopted in the form of spawning closures and the prohibition of recreational fisheries in the main distribution area. Given the ICES advice and the unchanged stock situation, it is appropriate to maintain unchanged the level of fishing opportunities and the functionally linked remedial measures.

(9) As regards western Baltic cod, scientific estimates have indicated for several years that the spawning stock biomass was below the reference point, below which specific and appropriate management action is to be taken ($B_{trigger}$). Increasingly strict management measures have therefore been adopted in recent years. In 2021 ICES decided to perform a more in-depth assessment of the stock's situation and hence postponed its advice to 10 September 2021. That assessment revealed that the biomass of the western Baltic cod stock was less than half of the previous estimate and that for more than 10 years it has been mostly below B_{lim}. The current biomass is estimated to be about half of B_{lim}. Recruitment has been historically low since 2018. ICES estimates with a 53 % probability that the stock biomass could increase slightly above B_{lim} in 2023 even with some catches. In such a situation, pursuant to Article 5(2) of Regulation (EU) 2016/1139, remedial measure should be taken and the fishing opportunities set in a way to ensure the rapid return of the stock to a level above the level capable of producing MSY. The level of advised catches is so low that it cannot sustain both a directed fishery and the unavoidable by-catches in other fisheries, in particular in demersal flatfish fisheries. Therefore, it is appropriate to set a TAC limited to unavoidable by-catches in other fisheries to avoid the phenomenon of 'choke species', with an exemption for fishing operations conducted for the exclusive purpose of scientific investigations and in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

Moreover, further remedial measures functionally linked to the fishing opportunities were previously adopted in the form of spawning closures and limitations on recreational fisheries. Given the further severe deterioration of the stock, it is appropriate to extend the spawning closure from 15 January to 31 March in order to cover the period during which cod aggregates before spawning. An additional exemption from the spawning closure should be introduced for fishing vessels fishing with dredges for bivalve molluscs in ICES subdivision 22 in waters of less than 20 metres depth, since those fisheries take place outside of the cod spawning grounds and have very low by-catches of cod. Regarding recreational fisheries, contrary to previous years ICES was not in a position to provide a split between commercial and recreational catches, because of the low level of total advised catches. Given the condition of the stock, it is necessary to decrease the bag limit to the minimum in order to remain within the catch levels advised by ICES. Moreover, it is appropriate to no longer exempt recreational fisheries from the spawning closure period.

(10) In 2020, ICES estimated that the biomass of the central Baltic herring had fallen below the spawning stock biomass reference point below which specific and appropriate management action is to be taken ($B_{trigger}$). In 2021, ICES estimated that the biomass had fallen further and is now close to B_{lim}. It is therefore appropriate to set the fishing opportunities in accordance with Article 5(1) of Regulation (EU) 2016/1139.

(11) According to ICES advice, cod is by-caught in plaice fisheries. Sprat is caught in a mixed fishery with herring and is a prey species for cod. It is appropriate to take those multispecies interactions into account when setting the fishing opportunities for plaice and sprat.

(12) Regarding salmon in ICES subdivisions 22-31, ICES had stated for several years previously that the status of the river stocks was very heterogeneous. In order to give experts more time to take that divergence better into account, ICES decided to postpone its advice to 15 September 2021. According to ICES advice, all commercial and recreational catches in the main basin, which are inherently mixed fisheries catching salmon from healthy and weak river stocks, should be stopped in order to protect the weak river stocks. ICES however considers that the existing directed fishery in the coastal areas of the Gulf of Bothnia and the Aland Sea could continue during the salmon summer migration. In order to strike the right balance between, on the one hand, allowing fisheries to continue in view of otherwise potentially severe socio-economic implications and, on the other hand, the need to achieve a good biological status for the stock, taking into account the difficulty of fishing all stocks in a mixed fishery at MSY at the same time, it is appropriate to establish a specific TAC for by-catches of salmon in those areas, with the exemption of fishing operations conducted for the exclusive purpose of scientific investigations and in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241, and of coastal fisheries north of latitude 59°30'N during the period from 1 May to 31 August. Given the ICES advice, it is appropriate to adopt further remedial measures functionally linked to the fishing opportunities. The use of longlines beyond four nautical miles should be prohibited since this is typically a gear used to target salmon. Moreover, in those areas where commercial fisheries are not allowed it should be allowed to retain only one fin-clipped salmon per angler per day in recreational fisheries. Finally, to avoid misreporting, all specimens of any fish species retained should be landed whole to be able to unequivocally identify them.

(13) In order to ensure full use of coastal fishing opportunities, a limited inter-area flexibility for salmon from ICES subdivisions 22-31 to ICES subdivision 32 was introduced in 2019. Given the changes in fishing opportunities for those two stocks, it is appropriate to reduce that flexibility.

(14) The introduction of a prohibition of fishing for sea trout beyond four nautical miles and of a limitation of by-catches of sea trout to 3 % of the combined catch of sea trout and salmon has contributed to a large extent to substantially reducing previously significant misreporting of catches in the salmon fishery, in particular as sea trout catches. It is therefore appropriate to maintain that provision in order to maintain a low level of misreporting.

(15) The use of the fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009[1], and in particular Articles 33 and 34 thereof concerning the recording of catches and fishing effort, and the transmission of data on the exhaustion of fishing opportunities to the Commission. This Regulation should therefore specify the codes relating to landings of stocks subject to this Regulation that are to be used by Member States when sending data to the Commission.

[1] Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

(16) Council Regulation (EC) No 847/96[1] introduced additional conditions for the year-to-year management of TACs including, under its Articles 3 and 4, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 are not to apply, in particular on the basis of the biological status of the stocks. More recently, the year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and cause the biological status of the stocks to deteriorate, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

[1] Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

(17) Moreover, given that the biomass of the stock of eastern Baltic cod, western Baltic herring and western Baltic cod is below B_{lim} and that only by-catch, scientific fisheries and, in the case of western Baltic herring, certain small-scale coastal fisheries are permitted in 2022, the Member States having a quota share of the relevant TAC have undertaken not to apply the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 for those stocks in 2022 so that catches in 2022 will not exceed the TAC set for eastern Baltic cod, western Baltic herring and western Baltic cod. Furthermore, given that the biomass of the salmon river stocks south of latitude 59°30'N are almost all below the limit reference point for smolt production (R_{lim}) and that in that area only by-catch and scientific fisheries are permitted in 2022, the relevant Member States have undertaken a similar commitment regarding year-to-year flexibility in relation to main basin salmon catches in 2022.

(18) The fishing year for Norway pout in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 is from 1 November to 31 October. In order to allow for the start of the fishery on 1 November 2021, and on the basis of new scientific advice and following consultations with the United Kingdom, it is necessary to set a preliminary TAC for Norway pout in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 for the period from 1 November 2021 to 31 December 2021. That preliminary TAC should be set in line with ICES advice published on 8 October 2021.

(19) In Council Regulation (EU) 2021/92[1], the fishing opportunities table for mackerel in the North Sea refers to waters of 3a and 4, United Kingdom waters of 2a, Union waters of 3b, 3c and subdivisions 22-32 in line with the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[2]. However, in 2021, consultations on mackerel between the coastal States did not lead to an agreement on access arrangements between the Union, the United Kingdom and Norway. Therefore, the Union does not have access to fish its mackerel quota in Norwegian waters of the North Sea.

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1 Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 31, 29.1.2021, p. 31).

2 OJ L 149, 30.4.2021, p. 10.

(20) In 2021, the Union concluded negotiations with the United Kingdom on fishing opportunities and management measures for certain TACs for 2021, including for mackerel, which enables the Union to fish its mackerel quota in United Kingdom waters. As a result, the relevant fishing opportunities tables should be amended accordingly to reflect the fishing area delimitations in the waters of the North Sea to United Kingdom and Union waters.

(21) In 2021, the Union does not have access to fish its mackerel quota in Norwegian waters of the North Sea. Regulation (EU) 2021/92 includes the fishing opportunities table for mackerel in Norwegian waters of 2a and 4a and it should be possible to fish the quota of 13 359 tonnes allocated to Denmark in Union and United Kingdom waters of the North Sea. A footnote should be inserted in the relevant fishing opportunities table to allow Denmark to fish that quota in Union and United Kingdom waters of the North Sea. The United Kingdom has been consulted on that possibility and raised no objection to the approach allowing that quota to be fished in those United Kingdom waters as of 12 October 2021.

(22) The Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto[1], provide that the Union is to receive 7,7 % of the TAC for capelin to be fished in Greenland waters of ICES subareas 5 and 14.
On 5 October 2021, the Union received information from the Greenland authorities that ICES has issued an advice for capelin for the 2021/2022 season at the level of 904 200 tonnes as TAC. Following scientific advice and based on the agreement reached between Greenland, Iceland and Norway on capelin, the Government of Greenland has fixed a quota of 135 630 tonnes. In accordance with the implementing Protocol, Greenland would like to offer the Union 69 623 tonnes of capelin, which equals to 7,7 % of the total TAC. That TAC should now be set on that basis. Furthermore, Greenland, Iceland and Norway agreed, as part of their framework arrangement on the conservation and management of capelin, on new fishing season arrangements. Therefore, it is also necessary to reflect the change in the fishing season, which should now refer to a period from 15 October 2021 to 15 April 2022.

(23) Fishing authorisations are granted by the Commission to vessels flying the Venezuelan flag in order to allow them to fish for snapper in Union waters off the coast of French Guiana. The proposed amendment aims to ensure the continuity of fishing operations during the authorisation process in between two years under certain conditions.

(24) Regulation (EU) 2021/92 should therefore be amended accordingly.

[1] OJ L 175, 18.5.2021, p. 3.

(25) To avoid the interruption of fishing activities and to ensure the livelihoods of Union fishermen, the provisions of this Regulation concerning the Baltic Sea should apply from 1 January 2022. The catch limits provided for in Regulation (EU) 2021/92 apply from 1 January 2021. The provisions introduced by this Regulation concerning those catch limits should therefore also apply from 1 January 2021. However, this Regulation should apply to Norway pout in ICES division 3a, United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters in ICES division 2a from 1 November 2021 until 31 October 2022. In view of the need to continue sustainable fishing activities and to start the relevant fisheries on time for the opening of the fishing seasons, the provisions of this Regulation concerning catch limits for mackerel in Norwegian waters of the North Sea and capelin in Greenland waters of ICES subareas 5 and 14 should apply from 12 October 2021 and 15 October 2021 respectively. Since the fishing opportunities concerned either have not yet been exhausted or will be increased by this Regulation, the principles of legal certainty and protection of legitimate expectations are not affected by the retroactive application of this Regulation. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

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 2022 and amends certain fishing opportunities in other waters fixed by Regulation (EU) 2021/92.

Article 2

Scope

1. This Regulation applies to Union fishing vessels operating in the Baltic Sea.

2. This Regulation also applies to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EU) No 1380/2013 apply.

In addition, the following definitions apply:

(1) 'subdivision' means an International Council for the Exploration of the Sea (ICES) subdivision of the Baltic Sea as defined in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council[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.

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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).

CHAPTER II
FISHING OPPORTUNITIES

Article 4

TACs and allocations

The TACs, quotas and conditions functionally linked thereto, where appropriate, are set out in the Annex.

Article 5

Special provisions on allocation 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

Closures to protect cod spawning

1. It shall be prohibited to fish with any type of fishing gear in subdivisions 25 and 26 from 1 May to 31 August.

2. An exemption from the prohibition laid down in paragraph 1 shall apply in the following cases:

   (a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241;

(b) Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines within four nautical miles measured from the baselines, drifting lines, handlines and jigging equipment or similar passive gear, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities;

(c) Union fishing vessels fishing in subdivision 25 for pelagic stocks for direct human consumption, using gears with a mesh size of 45 mm or less, in areas where the water depth is less than 50 metres according to the coordinates on the official sea chart issued by the competent national authorities, and whose landings are sorted.

3. It shall be prohibited to fish with any type of fishing gear in subdivisions 22 and 23 from 15 January to 31 March and in subdivision 24 from 15 May to 15 August.

4. An exemption from the prohibition laid down in paragraph 3 shall apply in the following cases:

(a) fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241;

(b) Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines within four nautical miles measured from the baselines, drifting lines, handlines and jigging equipment or similar passive gear, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities;

(c) Union fishing vessels fishing in subdivision 24 for pelagic stocks for direct human consumption, using gears with a mesh size of 45 mm or less, in areas where the water depth is less than 40 metres according to the coordinates on the official sea chart issued by the competent national authorities, and whose landings are sorted;

(d) Union fishing vessels fishing with dredges for bivalve molluscs in subdivision 22, in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities.

5. Masters of fishing vessels as referred to in paragraph 2, point (b) or (c), and paragraph 4, point (b), (c) or (d), shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State.

Article 8

Measures on recreational fisheries of cod in subdivisions 22-26

1. In recreational fisheries, no more than one specimen of cod may be retained per fisherman per day in subdivisions 22 and 23, and in subdivision 24 within six nautical miles measured from the baselines, except in the period from 15 January to 31 March, when recreational fisheries of cod shall be prohibited.

2. Recreational fisheries of cod shall be prohibited in subdivision 24 beyond six nautical miles measured from the baselines, and in subdivisions 25 and 26.

3. This Article is without prejudice to more stringent national measures.

Article 9

Measures on recreational fisheries of salmon in subdivisions 22-31

1. Recreational fisheries of salmon shall be prohibited in subdivisions 22-31. Any specimen of salmon caught shall be immediately released back into the sea.

2. By way of derogation from paragraph 1, recreational fisheries of salmon shall be allowed under the following cumulative conditions:

   (a) no more than one specimen of adipose fin-clipped salmon may be retained per fisherman per day;

   (b) all specimens of any fish species retained shall be landed whole.

3. By way of derogation from paragraphs 1 and 2, north of latitude 59°30'N recreational fisheries of salmon shall be allowed from 1 May to 31 August without restrictions in areas within four nautical miles measured from the baselines.

4. This Article is without prejudice to more stringent national measures.

Article 10

Measures for the conservation of the sea trout and salmon stocks in subdivisions 22-32

1. It shall be prohibited for fishing vessels to fish for sea trout beyond four nautical miles measured from the baselines in subdivisions 22-32 from 1 January to 31 December 2022. When fishing for salmon beyond four nautical miles measured from the baselines in subdivision 32, 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. Fishing with longlines beyond four nautical miles measured from the baselines in subdivisions 22-31 shall be prohibited.

3. This Article is without prejudice to more stringent national measures.

Article 11

Flexibility

1. Except where specified otherwise in the Annex to this Regulation, Article 3 of Regulation (EC) No 847/96 applies to stocks subject to precautionary TACs and Article 3(2) and (3) and Article 4 of that Regulation applies to stocks subject to an analytical TAC.

2. Article 3(2) and (3) and Article 4 of Regulation (EC) No 847/96 does 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 12

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 13

Amendments to Regulation (EU) 2021/92

Regulation (EU) 2021/92 is amended as follows:

(1) Annex IA is amended as follows:

(a) the fishing opportunities table for cod in ICES division 7d is replaced by the following:

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Species:	Cod *Gadus morhua*	Zone: 7d (COD/07D.)
Belgium	33 (1)	Analytical TAC
France	649 (1)	Article 3 of Regulation (EC) No 847/96 shall not apply
Netherlands	19 (1)	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	701 (1)	
United Kingdom	71 (2)	
TAC	772	

(1)	Special condition: of which up to 5 % may be fished in 4, in that part of 3a which is not covered by the Skagerrak and Kattegat and in United Kingdom waters of 2a (COD/*2A3X4).
(2)	Special condition: of which up to 5 % may be fished in United Kingdom and Union waters of 4, in that part of 3a which is not covered by the Skagerrak and Kattegat and in United Kingdom waters of 2a (COD/*2A3X4)

”;

(b) the fishing opportunities table for mackerel in United Kingdom and Union waters of ICES division 2a, and subareas 3 and 4 is replaced by the following:

“

Species:	Mackerel *Scomber scombrus*		Zone:	United Kingdom and Union waters of 2a, 3 and 4 (MAC/2A34.)
Belgium	544	(1)(2)	Analytical TAC	
Denmark	18 666	(1)(2)	Article 8(2) of this Regulation applies	
Germany	567	(1)(2)		
France	1 713	(1)(2)		
The Netherlands	1 724	(1)(2)		
Sweden	5 108	(1)(2)(3)		
Union	28 322	(1)(2)		
Norway	Not relevant	(4)		
United Kingdom	Not relevant	(1)(2)(3)		
TAC	852 284			

(1)	Special condition: up to 60 % may be fished in United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14 (MAC/*2AX14).

(2) Within the limits of the abovementioned quotas, no more than the quantities given below may also be taken in the two following zones:

	Norwegian waters of 2a (MAC/*02AN-)	Faroese waters (MAC/*FRO1)
Belgium	0	0
Denmark	0	0
Germany	0	0
France	0	0
The Netherlands	0	0
Sweden	0	0
Union	0	0

(3) Special condition: including the following tonnage to be taken in Norwegian waters of 2a and 4a (MAC/*2A4AN):

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When fishing under this special condition, by-catches of cod, haddock, pollack, whiting and saithe are to be counted against the quotas for those species.

(4) To be deducted from Norway's share of the TAC (access quota). This amount includes the following Norwegian share of the North Sea TAC:

0

This quota may be fished in 4a only (MAC/*04A.), except for the following amount, in tonnes, which may be fished in 3a (MAC/*03A.):

0

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

	3a	United Kingdom and Union waters of 3a and 4bc	4b	4c	United Kingdom and international waters of 2a, 5b, 6, 7, 8d, 8e, 12 and 14
	(MAC/*03A.)	(MAC/*3A4BC)	(MAC/*04B.)	(MAC/*04C.)	(MAC/*2A6.)
Belgium	0	0	0	0	326
Denmark	0	4 130	0	0	11 200
Germany	0	0	0	0	340
France	0	490	0	0	1 028
The Netherlands	0	490	0	0	1 034
Sweden	0	0	390	10	3 065
Union	0	5 110	390	10	16 993
United Kingdom	0	Not relevant	0	0	Not relevant
Norway	0	0	0	0	0

”;

(c) the fishing opportunities table for mackerel in Norwegian waters of ICES divisions 2a and 4a is replaced by the following:

“

Species:	Mackerel *Scomber scombrus*	Zone:	Norwegian waters of 2a and 4a (MAC/2A4A-N)
Denmark	13 359 **(1)**	Analytical TAC	
Union	13 359 **(1)**		
TAC	Not relevant		
(1)	In 2021, this quota may only be fished in United Kingdom and Union waters of 2a, 3 and 4 (MAC/*2A34X).		

”;

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

“

Species:	Norway pout and associated by-catches *Trisopterus esmarkii*		Zone:	3a; United Kingdom and Union waters of 4; United Kingdom waters of 2a (NOP/2A3A4.)
Year	2021	2022		
Denmark	116 447 (1)(3)	24 727 (1)(6)	Analytical TAC	
Germany	22 (1)(2)(3)	5 (1)(2)(6)	Article 3 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	86 (1)(2)(3)	18 (1)(2)(6)		
Union	116 555 (1)(3)	24 750 (1)(6)	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	11 745 (2)(3)	5 250 (2)(6)		
Norway	0 (4)	0 (4)		
Faroe Islands	0 (5)	0 (5)		
TAC	Not relevant	Not relevant		

(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 United Kingdom and Union waters of ICES zones 2a, 3a and 4 only.
(3)	May only be fished from 1 November 2020 to 31 October 2021.
(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)	May only be fished from 1 November 2021 to 31 December 2021.

”;

(e) the fishing opportunities table for other species in Union waters of ICES subarea 4 and division 6a north of 56°30'N is replaced by the following:

“

Species:	Other species	Zone:	Union waters of 4 and 6a north of 56° 30' N (OTH/2A46AN)
Union	Not relevant	Precautionary TAC	
Norway	1 000 (1)(2)		
Faroe Islands	0		
TAC	Not relevant		
(1)	Limited to 4 (OTH/*2A4-C).		
(2)	Species not covered by other TACs.		

”;

(2) in Annex IB, the fishing opportunities table for capelin in Greenland waters of 5 and 14 is replaced by the following:

“

Species:	Capelin *Mallotus villosus*		Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	51 088		Analytical TAC	
Germany	2 224		Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	3 666			
All Member States	2 645	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	59 623	(2)		
Norway	10 000	(2)		
TAC	Not relevant			

(1)	Denmark, Germany and Sweden may access the ‘All Member States’ quota only once they have exhausted their own quota. However, Member States with more than 10 % of the Union quota shall not access the ‘All Member States’ quota at all. Catches to be counted against this shared quota shall be reported separately (CAP/514GRN_AMS).
(2)	For a fishing period from 15 October 2021 to 15 April 2022.

”;

(3) in Annex V, Part B, the following footnote relating to Venezuela is added to the table setting out the maximum number of fishing authorisations for third-country vessels fishing in Union waters:

"(2) Fishing activities are authorised on an annual calendar basis. However, a fishing vessel can continue its fishing activities up to three months after expiry of its fishing authorisation, provided that the operator:

– initiated the renewal process of its fishing authorisation;

– fulfilled all its contractual and information communication obligations.

This extension expires upon entry into force of the Commission decision delivering a new fishing authorisation or notification of the refusal of the new fishing authorisation to that vessel.".

Article 14

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 2022.

By way of derogation from the second paragraph:

(a) Article 13, points (1)(a), (1)(b) and (1)(e) and point (3), shall apply from 1 January 2021;

(b) Article 13, point (1)(c), shall apply from 12 October 2021;

(c) Article 13, point (2), shall apply from 15 October 2021 until 15 April 2022;

(d) Article 13, point (1)(d), shall apply from 1 November 2021 until 31 October 2022.

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

Done at …,

For the Council

The President

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
Clupea harengus	HER	Herring
Gadus morhua	COD	Cod
Pleuronectes platessa	PLE	Plaice
Salmo salar	SAL	Atlantic salmon
Sprattus sprattus	SPR	Sprat

Table 1

Species:	Herring *Clupea harengus*	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	91 287	Analytical TAC	
Sweden	20 058		
Union	111 345		
TAC	111 345		

Table 2

Species:	Herring *Clupea harengus*		Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	110	(1)	Analytical TAC	
Germany	435	(1)	Article 3(2) and (3) of Regulation (EC) No 847/96 does not apply.	
Finland	0	(1)		
Poland	103	(1)	Article 4 of Regulation (EC) No 847/96 does not apply.	
Sweden	140	(1)		
Union	788	(1)		
TAC	788	(1)		

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to herring provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

By way of derogation from the first paragraph, fishing this quota is permitted for Union fishing vessels of less than 12 metres length overall fishing with gillnets, entangling nets, handlines, pound nets or jigging equipment. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State.

Table 3

Species:	Herring *Clupea harengus*	Zone:	Union waters of subdivisions 25-27, 28.2, 29 and 32 (HER/3D-R30)
Denmark	1 180	Analytical TAC	
Germany	313	Article 6 of this Regulation applies.	
Estonia	6 028		
Finland	11 766		
Latvia	1 488		
Lithuania	1 566		
Poland	13 367		
Sweden	17 945		
Union	53 653		
TAC	Not relevant		

Table 4

Species:	Herring *Clupea harengus*	Zone:	Subdivision 28.1 (HER/03D.RG)
Estonia	22 026	Analytical TAC	
Latvia	25 671	Article 6 of this Regulation applies.	
Union	47 697		
TAC	47 697		

Table 5

Species:	Cod *Gadus morhua*		Zone: Union waters of subdivisions 25-32 (COD/3DX32.)
Denmark	137	(1)	Precautionary TAC Article 3(2) and (3) of Regulation (EC) No 847/96 do not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Germany	54	(1)	
Estonia	13	(1)	
Finland	10	(1)	
Latvia	51	(1)	
Lithuania	33	(1)	
Poland	159	(1)	
Sweden	138	(1)	
Union	595	(1)	
TAC	Not relevant		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota. By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to cod provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.		

Table 6

Species:	Cod *Gadus morhua*		Zone:	Subdivisions 22-24 (COD/3BC+24)
Denmark	214	(1)	Analytical TAC	
Germany	104	(1)	Article 3(2) and (3) of Regulation (EC) No 847/96 do not apply.	
Estonia	5	(1)		
Finland	4	(1)	Article 4 of Regulation (EC) No 847/96 does not apply.	
Latvia	18	(1)		
Lithuania	11	(1)		
Poland	57	(1)		
Sweden	76	(1)		
Union	489	(1)		
TAC	489	(1)		

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to cod provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

Table 7

Species:	Plaice *Pleuronectes platessa*	Zone:	Union waters of subdivisions 22-32 (PLE/3BCD-C)
Denmark	6 483	Analytical TAC	
Germany	720	Article 6 of this Regulation applies.	
Poland	1 358		
Sweden	489		
Union	9 050		
TAC	9 050		

Table 8

Species:	Atlantic salmon *Salmo salar*	Zone:	Union waters of subdivisions 22-31 (SAL/3BCD-F)
Denmark	13 223 **(1)(2)**	Analytical TAC	
Germany	1 471 **(1)(2)**	Article 3(2) and (3) of Regulation (EC) No 847/96 do not apply. Article 4 of Regulation (EC) No 847/96 does not apply.	
Estonia	1 344 **(1)(2)(3)**		
Finland	16 488 **(1)(2)**		
Latvia	8 411 **(1)(2)**		
Lithuania	989 **(1)(2)**		
Poland	4 011 **(1)(2)**		
Sweden	17 874 **(1)(2)**		
Union	63 811 **(1)(2)**		
TAC	Not relevant		

(1)	Expressed by number of individual fish.
(2)	Exclusively for by-catches. No directed fisheries are permitted under this quota. By way of derogation from the first paragraph, fishing operations conducted for the exclusive purpose of scientific investigations may be directed to salmon provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241. By way of derogation from the first paragraph, fishing this quota is permitted for Union fishing vessels north of latitude 59°30'N in areas within four nautical miles measured from the baselines during the period from 1 May to 31 August.
(3)	Special condition: no more than 450 specimens of this quota may be fished in Union waters of subdivision 32 (SAL/*3D32).

Table 9

Species:	Atlantic salmon *Salmo salar*	Zone:	Union waters of subdivision 32 (SAL/3D32.)
Estonia	969 (1)	Precautionary TAC	
Finland	8 486 (1)		
Union	9 455 (1)		
TAC	Not relevant		

(1) Expressed by number of individual fish.

Table 10

Species:	Sprat *Sprattus sprattus*	Zone:	Union waters of subdivisions 22-32 (SPR/3BCD-C)
Denmark	24 852	Analytical TAC	
Germany	15 745	Article 6 of this Regulation applies.	
Estonia	28 859		
Finland	13 010		
Latvia	34 855		
Lithuania	12 608		
Poland	73 969		
Sweden	48 045		
Union	251 943		
TAC	Not relevant		