

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2022/2090

of 27 October 2022

fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2023 and amending Regulation (EU) 2022/109 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, advice from advisory councils set up 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 are to be allocated among 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 transitional period until 2020 was to balance the achievement of MSY for all stocks with the possible socioeconomic implications of the possible adjustments of related fishing opportunities.
- (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 socioeconomic implications while ensuring fair treatment between fishing sectors and taking into account the opinions expressed during consultations with stakeholders.

⁽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).

- (5) Regulation (EU) 2016/1139 of the European Parliament and of the Council ⁽²⁾ establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks. That plan aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels that can produce MSY. Regulation (EU) No 1380/2013 provides that, for stocks subject to specific multiannual plans, the fishing opportunities are to be fixed in accordance with the rules laid down in those multiannual plans.
- (6) In accordance with Article 4(1) of Regulation (EU) 2016/1139, the fishing opportunities for stocks listed in Article 1 of that Regulation 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 2023 to the relevant stocks in the Baltic Sea should therefore be established in line with the objectives of the multiannual plan established by that Regulation.
- (7) The International Council for the Exploration of the Sea (ICES) published its annual stock advice for Baltic stocks on 31 May 2022, except for its advice for western Baltic herring, which was published on 30 June 2022. It indicates that the biomass of western Baltic herring in ICES subdivisions 20 to 24 slightly increased but is only 59 % of the limit reference point for the 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 fifth consecutive year a zero-catch advice 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. Therefore, in 2022, the directed fishery for western Baltic herring was closed and a very low TAC was set for unavoidable by-catches of western Baltic herring to avoid the phenomenon of 'choke species'. However, targeting western Baltic herring was allowed for fishing operations conducted for the exclusive purpose of scientific investigations and carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽³⁾, as well as for small-scale coastal fishers fishing with certain passive gears. Given the ICES advice and the unchanged stock situation, it is appropriate to maintain the level of fishing opportunities and the functionally linked remedial measures.
- (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 hardly increased since 2021. ICES therefore published for the fourth consecutive year a zero-catch advice 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 for eastern Baltic cod was closed and a TAC for unavoidable by-catches of eastern Baltic cod was set at a very low level to avoid the phenomenon of 'choke species'. 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 the level of fishing opportunities and the functionally linked remedial measures.
- (9) As regards the western Baltic cod stock, 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 which revealed that for more than 10 years the biomass of the western Baltic cod stock had been mostly below B_{lim} . Therefore, pursuant to Article 5(2) of Regulation (EU) 2016/1139, the targeted fishery for western Baltic cod was closed and a very low TAC was set for unavoidable by-catches of western Baltic cod to avoid the phenomenon of 'choke species'. Moreover, further remedial measures functionally linked to the fishing opportunities were adopted in the form of an extended spawning closure, which also covers recreational fisheries, and the further reduction of the daily bag limit in recreational fisheries. In 2022 ICES revised the stock's biomass downwards and, despite a slight increase last year, the biomass is estimated to be

⁽²⁾ 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).

⁽³⁾ 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).

less than 40 % of B_{lim} . Because of slightly increased recruitment estimates and unclear additional mortality factors, which ICES is currently unable to include in its assessment model, the advice for the fishing mortality resulting in MSY (F_{MSY}) is to increase the total catches. However, ICES stressed that its short-term forecast is highly uncertain and that, given the unclear additional mortality, it is likely that there is a 66 % probability for the stock's biomass to remain below B_{lim} in 2024 if the fishing opportunities are set at the F_{MSY} point value. Furthermore, as in 2021, ICES was not able to provide separate catch advice for commercial and recreational catches. Given the declining stock situation and the uncertainty surrounding the advice for catches at the F_{MSY} point value, it is appropriate to take a precautionary approach and to maintain the level of fishing opportunities and the functionally linked remedial measures.

- (10) In 2020 ICES estimated that the biomass of central Baltic herring had fallen below $B_{trigger}$ and in 2021 that it had come close to B_{lim} . In 2022 ICES estimated that the biomass had increased but still remained below $B_{trigger}$. The stock relied on the 2019 year class only, and the estimation of its strength has varied substantially since 2020. It is therefore appropriate to set the fishing opportunities in accordance with Article 5(1) of Regulation (EU) 2016/1139.
- (11) The biomass of herring in the Gulf of Bothnia has been continuously decreasing since 2010. In 2019 ICES decided to provide an advice based on the approach developed for data-limited stocks, due to strong retrospective bias in the stock assessment. Following an in-depth analysis, ICES was again able to provide an MSY advice in 2021. The updated advice for 2021 was to increase the fishing opportunities for 2021 substantially, based on the estimation that the biomass was finally increasing. The ICES advice for 2022 was to slightly decrease fishing opportunities. However, in the advice for 2023, ICES revised the stock's biomass significantly downwards. According to ICES, this smaller biomass is most probably due to the continuous decrease of the herring's size. ICES estimates that the stock's biomass is now just above $B_{trigger}$. The only catch scenario advised by ICES that would keep the stock above $B_{trigger}$ in 2024 is the lowest point of the F_{MSY} range. Given the stock's negative development and the need to avoid the stock falling below $B_{trigger}$ it is appropriate to set the fishing opportunities at the F_{MSY} lowest point.
- (12) According to the ICES advice on plaice, cod is by-caught in plaice fisheries. According to the ICES advice on sprat, 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 and to fix the fishing opportunities for plaice and sprat in the corresponding lower F_{MSY} range.
- (13) Regarding salmon in ICES subdivisions 22 to 31, ICES has stated for several years that the status of the river stocks was very heterogeneous. In 2021, following an in-depth analysis, ICES advised that 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 to protect the weak river stocks. ICES, however, considered that the existing directed fishery in the coastal areas of the Gulf of Bothnia and the Åland Sea could continue during the salmon summer migration. Therefore, a specific TAC was set for by-catches of salmon in those areas, with the exemption of fishing operations conducted for the exclusive purpose of scientific investigations and carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241; and for coastal fisheries north of latitude 59° 30' N between 1 May and 31 August. Further remedial measures functionally linked to the fishing opportunities were also adopted in the form of restrictions to the use of longlines and a daily bag limit in recreational fisheries. In 2022 ICES carried over its advice from 2021. It is therefore appropriate to maintain the level of fishing opportunities and the functionally linked remedial measures while clarifying that the recreational fisher should stop the fishing of salmon for the remainder of the day after catching the first adipose fin-clipped salmon.
- (14) In order to ensure the full use of coastal fishing opportunities, a limited inter-area flexibility for salmon between ICES subdivisions 22 to 31 and ICES subdivision 32 was introduced in 2019. Given the unchanged fishing opportunities for those two stocks, it is appropriate to maintain the current flexibility.
- (15) Prohibiting fishing for sea trout beyond four nautical miles measured from the baselines and limiting by-catches of sea trout to 3 % of the combined catch of sea trout and salmon have 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 the relevant provision to maintain a low level of misreporting.

- (16) Measures on recreational fisheries of cod and salmon and measures for the conservation of the sea trout and salmon stocks should be without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.
- (17) The use of the fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009 ⁽⁴⁾, and in particular Article 33 thereof on the recording of catches and fishing effort and Article 34 thereof on 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 Member States are to use when sending data to the Commission.
- (18) Council Regulation (EC) No 847/96 ⁽⁵⁾ laid down additional conditions for the year-to-year management of TACs, including, under its Articles 3 and 4, flexibility provisions for stocks subject to precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Articles 3 and 4 are not to apply, in particular on the basis of the biological status of the stocks. More recently, Article 15(9) of Regulation (EU) No 1380/2013 laid down the year-to-year flexibility mechanism 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 made explicit 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.
- (19) The biomass of the stock of eastern Baltic cod, western Baltic cod and western Baltic herring is below B_{lim} and only by-catch, scientific fisheries and, in the case of western Baltic herring, certain small-scale coastal fisheries are permitted in 2023. The Member States having a quota share of the relevant TAC have therefore undertaken not to apply the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 to those stocks in 2023 so that catches in 2023 do not exceed the TAC set for eastern Baltic cod, western Baltic herring and western Baltic cod. Furthermore, south of latitude 59° 30' N, the biomass of almost all salmon river stocks is below the limit reference point for smolt production (R_{lim}) and only by-catch and scientific fisheries are permitted in 2023. The relevant Member States have therefore undertaken a similar commitment regarding year-to-year flexibility in relation to main-basin salmon catches in 2023.
- (20) Council Regulation (EU) 2022/109 ⁽⁶⁾ fixes fishing opportunities for Norway pout until 31 October 2022 in ICES division 3a, United Kingdom and Union waters of subarea 4, and United Kingdom waters of 2a. The fishing period for Norway pout is from 1 November to 31 October. To enable the start of the fishery on 1 November 2022, and based on new scientific advice and following consultations with the United Kingdom, it is necessary to fix a preliminary TAC for Norway pout in ICES division 3a, United Kingdom and Union waters of subarea 4, and United Kingdom waters of ICES division 2a from 1 November 2022 to 31 December 2022. This preliminary TAC should be fixed in line with ICES advice published on 7 October 2022.
- (21) 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 ⁽⁷⁾ provide that the Union is to receive 7,7 % of the TAC for capelin (*Mallotus villosus*) to be fished in Greenland waters of ICES subareas 5 and 14. On 7 October 2022, the Union received information from the Greenland authorities that following the best available scientific advice and based on the agreement reached between Greenland, Iceland and Norway on capelin, the Government of Greenland had fixed its quota. In accordance with the implementing Protocol, Greenland would like to offer the Union 7 760 tonnes of capelin. Pending the acceptance by the Union of

⁽⁴⁾ 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).

⁽⁵⁾ 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).

⁽⁶⁾ Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 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 21, 31.1.2022, p. 1).

⁽⁷⁾ OJ L 175, 18.5.2021, p. 3.

the offer of capelin and the implementation of that offer in Union law, fishing opportunities for that stock in Regulation (EU) 2022/109 should be marked 'To be established'.

- (22) Updated scientific advice for southern hake in ICES division 8c, subareas 9 and 10 and Union waters of CECAF 34.1.1 for 2022 was published by ICES on 12 October 2022. That updated scientific advice is MSY advice and is based on a new assessment model developed by ICES during a benchmark for that stock held in February 2022. The fishing opportunities for that stock for 2022, established by Regulation (EU) 2022/109, should be amended based on that updated scientific advice, and the TAC be fixed in line with the highest value within the range of FMSY ('FMSY upper'), as southern hake is the most limiting species in the mixed fisheries.
- (23) Regulation (EU) 2022/109 should therefore be amended accordingly.
- (24) To avoid the interruption of fishing activities, the provisions of this Regulation relating to the Baltic Sea should apply from 1 January 2023. The catch limits provided for in Regulation (EU) 2022/109 apply from 1 January 2022. The provisions introduced by this Regulation concerning those catch limits should therefore also apply from 1 January 2022. 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 of ICES division 2a from 1 November 2022 until 31 October 2023 as that is the fishing season of Norway pout. 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 capelin in Greenland waters of ICES subareas 5 and 14 should apply from 15 October 2022. 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 2023 and amends certain fishing opportunities in other waters fixed by Regulation (EU) 2022/109.

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 ⁽⁸⁾;
- (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.

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 relevant TAC tables 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.

⁽⁸⁾ 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).

2. The prohibition laid down in paragraph 1 shall not 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 that fish 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. The prohibition laid down in paragraph 3 shall not 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 that fish 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 that fish 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 competent Member State.

Article 8

Measures on recreational fisheries of cod in subdivisions 22 to 26

1. In recreational fisheries, no more than one specimen of cod may be retained per fisher per day in subdivisions 22 and 23, and in subdivision 24 within six nautical miles measured from the baselines. However, from 15 January to 31 March, recreational fisheries of cod shall be prohibited in those areas.
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 under Articles 19 and 20 of Regulation (EU) No 1380/2013.

Article 9

Measures on recreational fisheries of salmon in subdivisions 22 to 31

1. Recreational fisheries of salmon shall be prohibited in subdivisions 22 to 31. Any specimen of salmon accidentally 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 caught and retained per fisher per day;
- (b) after catching the first adipose fin-clipped salmon, the recreational fisher shall stop the fishing of salmon for the remainder of the day;
- (c) 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 in areas within four nautical miles measured from the baselines.

4. This Article is without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.

Article 10

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

1. Union fishing vessels shall not fish for sea trout beyond four nautical miles measured from the baselines in subdivisions 22 to 32 from 1 January to 31 December 2023. 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 on board at any moment or landed after each fishing trip.

2. Fishing with longlines beyond four nautical miles measured from the baselines in subdivisions 22 to 31 shall be prohibited.

3. This Article is without prejudice to more stringent national measures under Articles 19 and 20 of Regulation (EU) No 1380/2013.

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 apply to stocks subject to an analytical TAC.

2. Article 3(2) and (3) and Article 4 of Regulation (EC) No 847/96 do 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 Member States send data relating to quantities of stocks caught or landed to the Commission pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in the Annex to this Regulation.

CHAPTER III

Final provisions

Article 13

Amendment to Regulation (EU) 2022/109

Regulation (EU) 2022/109 is amended as follows:

- (1) In Annex IA, Part A, the fishing opportunities table for hake (*Merluccius merluccius*) in ICES division 8c, ICES subareas 9 and 10 and Union waters of CECAF 34.1.1 is replaced by the following:

'Species:	Hake <i>Merluccius merluccius</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (HKE/8C3411)
Spain	9 021	Analytical TAC'	
France	866		
Portugal	4 209		
Union	14 096		
TAC	14 429		

- (2) In Annex IA, Part B, the fishing opportunities table for Norway pout (*Trisopterus esmarkii*) in ICES division 3a, 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 <i>Trisopterus esmarkii</i>		Zone:	3a; United Kingdom and Union waters of 4; United Kingdom waters of 2a (NOP/2A3A4.)
Year	2022	2023		
Denmark	49 478 ⁽¹⁾⁽³⁾	24 727 ⁽¹⁾⁽⁶⁾	Analytical TAC	
Germany	9 ⁽¹⁾⁽²⁾⁽³⁾	5 ⁽¹⁾⁽²⁾⁽⁶⁾	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Netherlands	36 ⁽¹⁾⁽²⁾⁽³⁾	18 ⁽¹⁾⁽²⁾⁽⁶⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
Union	49 524 ⁽¹⁾⁽³⁾	24 750 ⁽¹⁾⁽⁶⁾		
United Kingdom	10 204 ⁽²⁾⁽³⁾	5 250 ⁽²⁾⁽⁶⁾		
Norway	0 ⁽⁴⁾	0 ⁽⁴⁾		
Faroe Islands	0 ⁽⁵⁾	0 ⁽⁵⁾		
TAC	59 728	30 000		

⁽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 2a, 3a and 4 only.

⁽³⁾ May only be fished from 1 November 2021 to 31 October 2022.

⁽⁴⁾ A sorting grid shall be used.

⁽⁵⁾ A sorting grid shall be used. This amount 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 2022 to 31 October 2023.'

(3) In Annex IB the fishing opportunities table for capelin (*Mallotus villosus*) in Greenland waters of ICES subareas 5 and 14 is replaced by the following:

Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	To be established	Analytical TAC	
Germany	To be established	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Sweden	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply.	
All Member States	To be established ⁽¹⁾		
Union	To be established ⁽²⁾⁽³⁾		
Norway	To be established ⁽³⁾		
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⁾ Fishing may start when the Union accepts an offer for such quotas from the Greenland authorities in the framework of the Sustainable Fisheries Partnership Agreement between the European Union on the one hand, and the Government of Greenland and the Government of Denmark on the other hand and the implementing Protocol thereto. Member States shall ensure that their catches do not exceed the quantity received from the Greenland authorities, after deduction of quantities transferred to Norway.

⁽³⁾ For a fishing period from 15 October 2022 to 15 April 2023.'

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 2023.

By way of derogation from the second paragraph:

- (a) Article 13, point (1), shall apply from 1 January 2022;
- (b) Article 13, point (2), shall apply from 1 November 2022 to 31 October 2023;
- (c) Article 13, point (3), shall apply from 15 October 2022 to 15 April 2023.

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

Done at Brussels, 27 October 2022.

For the Council
The President
M. BEK

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.

Fish stocks are referred to according to the alphabetical order of the scientific names of the species.

For the purposes of this Regulation, the following comparative table of scientific 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

Table 1

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	65 627	Analytical TAC	
Sweden	14 420		
Union	80 047		
TAC	80 047		

Table 2

Species:	Herring <i>Clupea harengus</i>	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⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
Poland	103 ⁽¹⁾		
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 meters 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 competent Member State.

Table 3

Species:	Herring <i>Clupea harengus</i>	Zone:	Union waters of subdivisions 25-27, 28.2, 29 and 32 (HER/3D-R30)
Denmark	1 558	Analytical TAC	
Germany	413		
Estonia	7 957		
Finland	15 531		
Latvia	1 964		
Lithuania	2 068		
Poland	17 645		
Sweden	23 686		
Union	70 822		
TAC	Not relevant		

Table 4

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivision 28.1 (HER/03D.RG)
Estonia	21 078	Analytical TAC	
Latvia	24 565	Article 6 of this Regulation applies.	
Union	45 643		
TAC	45 643		

Table 5

Species:	Cod <i>Gadus morhua</i>	Zone:	Union waters of subdivisions 25-32 (COD/3DX32.)
Denmark	137 ⁽¹⁾	Precautionary TAC	
Germany	54 ⁽¹⁾	Article 3(2) and (3) of Regulation (EC) No 847/96 do not apply.	
Estonia	13 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	10 ⁽¹⁾		
Latvia	51 ⁽¹⁾		
Lithuania	33 ⁽¹⁾		
Poland	159 ⁽¹⁾		
Sweden	138 ⁽¹⁾		
Union	595 ⁽¹⁾		
TAC	Not relevant ⁽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 6

Species:	Cod <i>Gadus morhua</i>	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⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
Finland	4 ⁽¹⁾		
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 <i>Pleuronectes platessa</i>	Zone:	Union waters of subdivisions 22-32 (PLE/3BCD-C)
Denmark	8 105	Analytical TAC	
Germany	900	Article 6 of this Regulation applies.	
Poland	1 697		
Sweden	611		
Union	11 313		
TAC	11 313		

Table 8

Species:	Atlantic salmon <i>Salmo salar</i>	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.	
Estonia	1 344 ⁽¹⁾⁽²⁾⁽³⁾	Article 4 of Regulation (EC) No 847/96 does not apply.	
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 to 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 <i>Salmo salar</i>	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 <i>Sprattus sprattus</i>	Zone:	Union waters of subdivisions 22-32 (SPR/3BCD-C)
Denmark	22 107	Analytical TAC	
Germany	14 006	Article 6 of this Regulation applies.	
Estonia	25 671		
Finland	11 573		
Latvia	31 005		
Lithuania	11 216		
Poland	65 798		
Sweden	42 738		
Union	224 114		
TAC	Not relevant		