



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Fisheries Policy Mediterranean and Black Sea
Fisheries Control and Inspections

Brussels
MARE.D.4/JEGDA

**NOTE FOR THE ATTENTION OF THE FISHERIES CONTROL EXPERT GROUP
REPRESENTATIVES OF MEMBER STATES CONCERNED BY THE BALTIC SEA MAP**

Subject: Clarification on the Application of the Margin of Tolerance Rules to Catches under the Baltic Sea Multi-Annual Plan

Dear Representatives of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden,

Earlier this year Latvia raised at the EU Council the difficulties of Latvian fishers when reporting non-quota species against the background of the rules on the margin of tolerance (MOT).

As part of the ensuing exchanges and with the view to understanding how rules on the MOT should apply in such cases, we analysed the application of measures related to fishing activities in the Baltic Sea.

The analysis addressed the interaction between Regulation (EU) 2016/1139, establishing the multiannual plan (MAP) for the Baltic Sea, and the amended Article 14 of Regulation (EC) No 1224/2009 ("the Control Regulation").

Below are the key points of this analysis:

- Article 13 of the Baltic MAP (Margin of tolerance), as amended by Regulation (EU) 2023/2842, states that by way of derogation from Article 14(3) and (4) of Regulation (EC) No 1224/2009, until 10 January 2028 for catches to which this Regulation applies, and which are landed unsorted, the permitted margin of tolerance is 20% per species. It adds that in the case of landings in listed ports in accordance with Article 14(4), point (a), of Regulation (EC) No 1224/2009, the margin of tolerance set out in that point applies.
- The derogation set out in Article 13, allowing for a margin of tolerance of 20% for unsorted landings until 14 January 2028, strictly applies to the stocks listed in Article 1(1-2) of the Baltic MAP. The derogation does not extend to other by-catch stocks that are not explicitly listed in Article 1(1-2) of the Baltic MAP. For these stocks, the margin of tolerance rules outlined in Article 14 of the Control Regulation apply.

- Therefore, and according to Article 14(4)(b)(ii) of the Control Regulation, by-catch stocks (which are not explicitly included within Article 1(1-2) of the Baltic MAP) that represent less than 2% of the total catch are subject to a MOT of 200 kg or 20 % per each species recorded in the logbook, whichever is greater.

We would like you to be aware of this interpretation, to ensure consistent and accurate catch reporting across the Baltic Sea Member States. You are encouraged to disseminate this information to relevant stakeholders with a view to ensure the application of these provisions.

For any further clarification, please do not hesitate to contact us.

Thank you for your attention to this matter.

Sincerely,

Jérôme BROCHE
Head of Unit