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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Council Regulation fixing for 2020 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 - Non-paper

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Delegations will find attached a note on the above-mentioned subject, as received from the European Commission services.

# COMMISSION SERVICES NON PAPER

**20 November 2019**

*This document serves as a basis for discussion at the Working Party on Internal and External Fisheries Policy. It cannot in any circumstances be regarded as the official position of the Commission. It is intended solely for those to whom it is addressed.*

**Updates to Commission proposal COM(2019) 483 for a Council Regulation fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters**

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## 1. COMMISSION PROPOSAL ON EUROPEAN EEL

### EXPLANATORY NOTE:

On European eel, the Commission proposes continuing the same package of measures as in 2019.

### CHANGES TO RECITALS

- Recital 10 is replaced by the following:

*“As regards the European eel (*Anguilla anguilla* L.) stock, ICES has advised that all anthropogenic mortalities, including recreational and commercial fisheries, should be reduced to zero, or kept as close to zero as possible. Moreover, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel in the Mediterranean Sea. It is appropriate to maintain the level playing field across the Union and hence to maintain also for the Union waters of the ICES area as well as brackish waters such as estuaries, coastal lagoons and transitional waters a consecutive three-month closure period for all fisheries of European eel at all life stages. As the fishing closure period should be consistent with the conservation objectives set out in Council Regulation (EC) No 1100/2007<sup>1</sup> and with the temporal migration patterns of European eel, for the Union waters of the ICES area it is appropriate to set it in the period between 1 August 2020 and 28 February 2021.”*

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<sup>1</sup> Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

## CHANGES TO THE BODY OF THE ARTICLES

Article 11 is replaced by the following:

*“Article 11  
Measures on European eel fisheries in Union waters of the ICES area*

Any targeted, incidental and recreational fishery of European eel shall be prohibited in Union waters of the ICES area and brackish waters such as estuaries, coastal lagoons and transitional waters for a consecutive three-month period to be determined by each Member State concerned between 1 August 2020 and 28 February 2021. Member States shall communicate the determined period to the Commission not later than 1 June 2020.”

## 2. AMENDMENTS TO ANNEX IA OF THE COMMISSION PROPOSAL

### EXPLANATORY NOTE:

On herring in 7g, 7h, 7j and 7k, the Commission proposes that a TAC of 869 tonnes for a sentinel fishery is set to allow commercially based data collection for that stock.

On anglerfish in the North Sea, the advice is precautionary for a 30.4% decrease. The Commission proposed the TAC in line with the advice. Of the total advice for the North Sea and subarea 6, 63.86% are allocated to the North Sea TAC and the remainder to the West of Scotland TAC.

On Norway lobster in the North Sea, the Commission proposes the TAC of 23 002 tonnes, which is an increase of 4.1% compared to 2019.

On Norway lobster in the Bay of Biscay (8a, 8b, 8d and 8e), the Commission proposes to set the TAC at 3886 tonnes, in line with the MSY point value. This entails an increase of 0.2%.

For Norway lobster in the Iberian waters (9 and 10; Union waters of CECAF 34.1.1), the Commission proposes to set the TAC of 386 tonnes, leading to a reduction of 3.7%.

ICES issued revised advice for common sole in the North Sea for 2020, which leads to 39.8% increase (MSY point value). The Commission proposes the TAC in line with the advice.

ICES issued advice for common sole in 7d. The advice has changed from analytical (MSY) to precautionary. The Commission proposes the TAC in line with the advice and after the *de minimis* deduction at 2 797 tonnes, which entails 11.2% increase.

On 31 October 2019, ICES issued revised advice for common sole in ICES divisions 7f and 7g (Bristol Channel, Celtic Sea). On the basis of that advice, the Commission proposes that the TAC for that stock be increased to the MSY point value of 1652 tonnes, after applying the *de minimis* deduction.

## CHANGES TO RECITALS

The following recitals are inserted:

*“According to scientific advice by ICES, the Celtic Sea herring (*Clupea harengus*) stock (in ICES divisions 7a South of 52°30'N, 7g–h, and 7j–k) is below  $B_{lim}$ . Therefore, ICES advised that catches in 2020 should be zero tonnes. ICES suggested that a monitoring fishery should be conducted to maximize the contribution to scientific data collection, including assisting with the acoustic survey and that the minimum level of catches should be 869 tonnes. This figure could provide the minimum number of at least 17 samples required for a monitoring TAC. It is thus appropriate to set a TAC for a sentinel fishery for Celtic Sea herring to collect uninterrupted fisheries-dependent catch data, without impairing the recovery of the stock;”.*

## CHANGES TO THE BODY OF THE ARTICLES

In Article 8, the square brackets are lifted and the reference to reviewing the measures is deleted.

## CHANGES TO ANNEX IA

Annex IA in the Commission Proposal COM (2019) 483 is amended with the following fishing opportunities tables:

Species: Herring		Zone: 7g(1), 7h(1), 7j(1) and 7k(1)	
<i>Clupea harengus</i>		(HER/7G-K.)	
Germany	10	(2)	Analytical TAC
France	54	(2)	
Ireland	750	(2)	
The Netherlands	54	(2)	
United Kingdom	1	(2)	
Union	869	(2)	
TAC	869	(2)	

(1) This zone is increased by the area bounded:

- to the north by latitude 52°30' N,

- to the south by latitude 52°00' N,

- to the west by the coast of Ireland,

- to the east by the coast of the United Kingdom.

(2) This quota may only be allocated to vessels participating in the sentinel fishery to allow fisheries-based data collection for this stock as assessed by ICES.

The Member States concerned shall communicate the name(s) of the vessel(s) to the Commission before allowing any catches.

Species: Anglerfish <i>Lophiidae</i>	Zone: Union waters of 2a and 4  (ANF/2AC4-C)
Belgium	498 <sup>(1)</sup> Precautionary TAC
Denmark	1 098 <sup>(1)</sup>
Germany	536 <sup>(1)</sup>
France	102 <sup>(1)</sup>
The Netherlands	377 <sup>(1)</sup>
Sweden	13 <sup>(1)</sup>
United Kingdom	11 461 <sup>(1)</sup>
Union	14 085 <sup>(1)</sup>
TAC	14 085

(1) Special condition: of which up to 10 % may be fished in: 6; Union and international waters of 5b; international waters of 12 and 14 (ANF/\*56-14).



Species: Anglerfish		Zone: 6; Union and international waters of 5b; international waters of 12 and 14
<i>Lophiidae</i>		(ANF/56-14)
Belgium	286 (1)	Precautionary TAC
Germany	327 (1)	
Spain	307	
France	3 525 (1)	
Ireland	797	
The Netherlands	276 (1)	
United Kingdom	2 453 (1)	
Union	7 971	
TAC	7 971	

(1) Special condition: of which up to 5 % may be fished in: Union waters of 2a and 4 (ANF/\*2AC4C).

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	Union waters of 2a and 4 (NEP/2AC4-C)
Belgium	1 203	Analytical TAC	
Denmark	1 203	Article 7(2) of this Regulation applies	
Germany	18		
France	35		
The Netherlands	619		
United Kingdom	19 924		
Union	23 002		
TAC	23 002		

Species:	Norway lobster	Zone:	8a, 8b, 8d and 8e
	<i>Nephrops norvegicus</i>		(NEP/8ABDE.)

Spain	233	Analytical TAC
France	3 653	
Union	3 886	
TAC	3 886	

Species: Norway lobster <i>Nephrops norvegicus</i>	Zone: 9 and 10; Union waters of CECAF 34.1.1 (NEP/9/3411)
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Spain	97 (1)	Precautionary TAC
Portugal	289 (1)	
Union	386 (1)(2)	
TAC	386 (1)(2)	

(1) Of which no more than 6% may be taken in Functional Units 26 and 27 of ICES division 9a (NEP/\*9U267).

(2) Within the limits of the abovementioned TAC, no more than the following amount may be taken in Functional Unit 30 of ICES division 9a (NEP/\*9U30):

Species:	Common sole <i>Solea solea</i>	Zone:	Union waters of 2a and 4 (SOL/24-C.)
Belgium	pm	Analytical TAC	
Denmark	pm	Article 7(2) of this Regulation applies	
Germany	pm		
France	pm		
The Netherlands	pm		
United Kingdom	pm		
Union	pm		
Norway	pm <sup>(1)</sup>		
TAC	17 545		
(1)	May be fished only in Union waters of 4 (SOL/*04-C.).		

Species: Common sole <i>Solea solea</i>	Zone: 7d  (SOL/07D.)
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Belgium	753	Precautionary TAC
France	1 506	Article 7(2) of this Regulation applies
United Kingdom	538	
Union	2 846	
TAC	2 797	

Species: Common sole <i>Solea solea</i>	Zone: 7f and 7g  (SOL/7FG.)
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Belgium	1 032	Analytical TAC
France	103	Article 7(2) of this Regulation applies
Ireland	52	
United Kingdom	465	
Union	1 652	
TAC	1 652	

### 3. AMENDMENTS TO THE COMMISSION PROPOSAL IN RELATION TO IOTC

1. Recital 34 is replaced by the following:

“At its annual meeting in 2019, the Indian Ocean Tuna Commission (IOTC) adopted new catch limits for yellowfin tuna (*Thunnus albacares*) that do not affect the Union catch limits in IOTC. But it reduced possibilities for using fish-aggregating devices (FADs) and supply vessels. Measures on the retention of Mobulid rays were adopted. Those measures should be implemented in Union law.”

2. Article 25 is replaced by the following:

*“Article 25  
Drifting FADs and supply vessels*

1. A purse-seine vessel shall not deploy more than 300 active drifting FADs at any time.
2. The number of supply vessels shall be no more than two supply vessel in support of not less than five purse-seine vessels, all flying the flag of the same Member State. This provision shall not apply to Member States using only one supply vessel.
3. A single purse seine vessel shall not be supported by more than one single supply vessel of the same flag State at any time.
4. The Union shall not register new or additional supply vessels in the IOTC Record of Authorised Vessels.”

3. The following article is inserted:

*“Article 27a  
Mobulid rays*

1. It shall be prohibited for Union fishing vessels to fish for, to retain on board, to tranship, to land, to store, to offer to sell or to sell, any part or whole carcass of Mobulid rays (family Mobulidae, which includes the genera *Manta* and *Mobula*), except for fishing vessels carrying out subsistence fishery (where the fish caught are consumed directly by the families of the fishers). By way of derogation, Mobulid rays that are unintentionally caught by artisanal fishing (fisheries other than longline or surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, hand-line and trolling vessels, and registered in the IOTC Record of Authorized Vessels) can be landed for purposes of local consumption only.
2. All fishing vessels, other than those carrying out subsistence fishery, shall promptly release alive and unharmed, to the extent practicable, Mobulid rays as soon as they are seen in the net, on the hook, or on the deck, and do it in a manner that will result in the least possible harm to the individuals captured.”



4. Annex IK is replaced by the following:

**ANNEX IK**

**IOTC AREA OF COMPETENCE**

Catches of yellowfin tuna by Union vessels fishing with purse seiners shall not exceed the catch limits set out in this Annex.

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	IOTC Area of Competence (YFT/IOTC)
France	29 501	Analytical TAC	
Italy	2 515	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	45 682	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	77 698		
TAC	Not relevant		