



Council of the
European Union

Brussels, 5 December 2019
(OR. en)

14767/19

LIMITE

PECHE 533

**Interinstitutional File:
2019/0235(NLE)**

NOTE

From: General Secretariat of the Council
To: Delegations

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
- Commission non-paper

Delegations will find attached a Commission non-paper containing updates to the above mentioned proposal.

COMMISSION SERVICES NON PAPER

4 December 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 REGARDING ICCAT MEASURES

Recitals 31 and 32 are replaced by the following:

“(31) At its annual meeting in 2017, the International Commission for the Conservation of Atlantic Tunas (ICCAT) agreed that in 2018 and 2019, the ICCAT may distribute the unallocated reserves for bluefin tuna for 2019 and 2020, considering in particular the needs of coastal developing ICCAT contracting parties and cooperating non-contracting parties, entities or fishing entities (CPCs) in their artisanal fisheries. That distribution was agreed at the inter-sessional meeting of Panel 2 of ICCAT (Madrid, March 2018) based, for the Union allocation, on the information received from three Member States: Greece, Spain and Portugal. As a result, the Union received specific additional catch possibilities of 87 tonnes for 2019 and 100 tonnes for 2020 to be used by Union artisanal fleets in certain Union regions. That allocation of fishing possibilities to the EU was endorsed by ICCAT at its annual meetings in 2018 and 2019 and the criteria for establishing allocation key for 2019 remain valid for 2020.

(32) The ICCAT Recommendation 16-05, decreasing for 2020 the TAC for Mediterranean swordfish, should be implemented in Union law. As it is already the case for the stock of Eastern and Mediterranean bluefin tuna, it is appropriate that catches in recreational fisheries of all other ICCAT stocks should be subject to the catch limits as adopted by the ICCAT.”.

The following recital is inserted:

“(32a) At its annual meeting in 2019, ICCAT agreed for the first time on a TAC for the North Atlantic Blue Shark caught in association with ICCAT Fisheries, and on the allocation key. The fishing opportunities for that stock should thus be allocated to the Member States. In addition, ICCAT agreed on an unallocated TAC for Southern Atlantic Blue shark caught in association with ICCAT Fisheries. Moreover, annual landing limits were allocated among Contracting Parties for the stocks of blue marlin and white marlin/spearfish in the Atlantic Ocean. Those measures should be implemented in Union law.”.

Article 18 is replaced by the following:

“Article 18

Fishing, farming and fattening capacity limitations

1. The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic shall be limited as set out in point 1 of Annex IV.

2. The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex IV.
3. The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex IV.
4. The maximum number of Union fishing vessels authorised to fish for northern albacore as a target species in accordance with Article 12 of Council Regulation (EC) No 520/2007¹ shall be limited as set out in point 7 of Annex IV to this Regulation.
5. The maximum number of Union fishing vessels of at least 20 metres length that fish for bigeye tuna in the ICCAT Convention Area shall be limited as set out in point 8 of Annex IV.”

Annex ID is replaced by the following:

¹ Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

“ANNEX ID

ICCAT CONVENTION AREA

Species: Bluefin tuna <i>Thunnus thynnus</i>	Zone: Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM)
Cyprus	169,35 ⁽⁴⁾ Analytical TAC
Greece	314,77 ⁽⁷⁾ Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
Spain	6 107,60 ⁽²⁾⁽⁴⁾⁽⁷⁾
France	6 026,60 ⁽²⁾⁽³⁾⁽⁴⁾
Croatia	952,53 ⁽⁶⁾
Italy	4 756,49 ⁽⁴⁾⁽⁵⁾
Malta	390,24 ⁽⁴⁾
Portugal	574,31
Other Member States	68,11 ⁽¹⁾
Union	19360 ⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾
Special additional allocation	⁽⁷⁾
TAC	100
	36 000

(1) Except Cyprus, Greece, Spain, France, Croatia, Italy, Malta and Portugal, and exclusively as by-catch.

(2) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 1 of Annex IV (BFT/*8301):

Spain	925,33
France	429,87
Union	1 355,20

(3) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex IV (BFT/*641):

France	100
Union	100

(4) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 2 of Annex IV (BFT/*8302):

Spain	122,15
France	120,53
Italy	95,13
Cyprus	3,39
Malta	7,80
Union	349,01

(5) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex IV (BFT/*643):

Italy	95,13
Union	95,13

- (6) Special Condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex IV for farming purposes (BFT/*8303F):

Croatia	857,28
Union	857,28

- (7) As agreed during the 2018 ICCAT Annual Meeting, in 2020 the European Union will receive, in addition to the allocated quota of 19360 tonnes, an extra allocation of 100 tonnes, exclusively for artisanal vessels from specific archipelagos in Greece (Ionian Islands), Spain (Canary Islands) and Portugal (Azores and Madeira). The specific allocation of this additional quantity to the concerned Member States shall be as follows (BFT/AVARCH):

Greece	33,33
Spain	33,33
Portugal	33,33
Union	100

Species	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, North of 5° N (SWO/AN05N)
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Spain	6 504,31	⁽²⁾	Analytical TAC
Portugal	1 052,57	⁽²⁾⁽³⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
Other Member States	128,81	⁽¹⁾⁽²⁾	
Union	7 685,70	⁽⁴⁾	
TAC	13 200		

⁽¹⁾ Except Spain and Portugal, and exclusively as by-catch.

⁽²⁾ Special condition: up to 2,39 % of this amount may be fished in the Atlantic Ocean, South of 5°N (SWO/*AS05N).

⁽³⁾ 36,34 t have been allocated to Portugal to compensate a double deduction in 2018

⁽⁴⁾ After transfer of 40 tonnes to Saint-Pierre et Miquelon (ICCAT Rec. [17-02])

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, South of 5° N (SWO/AS05N)
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Spain	4 712,18	⁽¹⁾	Analytical TAC
Portugal	299,03	⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
Union	5 011,21		
TAC	14 000		

⁽¹⁾ Special condition: up to 3,51 % of this amount may be fished in the Atlantic Ocean, North of 5°N (SWO/*AN05N).

Species	Swordfish <i>Xiphias gladius</i>	Zone:	Mediterranean Sea (SWO/MED)
Croatia	14,64 ⁽¹⁾	Analytical TAC	
Cyprus	53,99 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Spain	1 667,58 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
France	123,77 ⁽¹⁾		
Greece	1103,91 ⁽¹⁾		
Italy	3418,68 ⁽¹⁾		
Malta	405,58 ⁽¹⁾		
Union	6 780,60 ⁽¹⁾		
TAC	9 583,07		

⁽¹⁾ This quota may only be fished from 1 April to 31 December.

Species:	Northern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	2 891,01	Analytical TAC	
Spain	16 279,56	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	5 236,44	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	188,45		
Portugal	2 273,97		
Union	26 869,43 ⁽¹⁾		
TAC	33600		

⁽¹⁾ The number of Union fishing vessels fishing for northern albacore as a target species, in accordance with Article 12 of Council Regulation (EC) No 520/2007^[1], shall be as follows:
1 253.

^[1] Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

Species:	Southern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, south of 5° N (ALB/AS05N)
Spain	905,86	Analytical TAC	
France	297,70	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	633,94	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	1 837,50		
TAC	24 000		
Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	Atlantic Ocean (BET/ATLANT)
Spain	7 438,1	Analytical TAC	
France	3 759,3	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	2 823,8	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	13 701,3		
TAC	62 500		
Species:	Blue marlin <i>Makaira nigricans</i>	Zone:	Atlantic Ocean (BUM/ATLANT)
Spain	0,00	Analytical TAC	
France	405,36	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	46,44	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	451,80		
TAC	1 670		

Species: White marlin <i>Tetrapturus albidus</i>	Zone: Atlantic Ocean (WHM/ATLANT)	
Spain	0,00	Analytical TAC
Portugal	0,00	Article 3 of Regulation (EC) No 847/96 shall not apply
Union	0,00	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	355	

Species: Yellowfin tuna <i>Thunnus albacares</i>	Zone: Atlantic Ocean (YFT/ATLANT)	
TAC	110 000	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
		Article 4 of Regulation (EC) No 847/96 shall not apply

Species: Sailfish <i>Istiophorus albicans</i>	Zone: Atlantic Ocean, east of 45°W (SAI/AE45W)	
TAC	1 271	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
		Article 4 of Regulation (EC) No 847/96 shall not apply

Species: Sailfish <i>Istiophorus albicans</i>	Zone: Atlantic Ocean, west of 45°W (SAI/AW45W)	
TAC	1 030	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
		Article 4 of Regulation (EC) No 847/96 shall not apply

Species: Blue shark <i>Prionace glauca</i>		Zone: Atlantic Ocean, north of 5° N (BSH/AN05N)
Ireland	1	Analytical TAC
Spain	27 062	Article 3 of Regulation (EC) No 847/96 shall not apply
France	152	Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	5 363	
Union	32 578	(1)(2)
TAC	39 102	

(1) The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

Allocation based on the average catches in the last 10 years

(2)

Species: Blue shark <i>Prionace glauca</i>	Zone: Atlantic Ocean, south of 5° N (BSH/AS05N)
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TAC 28 923 ⁽¹⁾ Analytical TAC
Article 3 of Regulation (EC) No 847/96 shall not apply
Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

”

Annex IV is replaced by the following:

“ANNEX IV

ICCAT CONVENTION AREA²

1. Maximum number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic

Spain	to be established
France	to be established
Union	to be established

² The numbers shown in sections 1, 2 and 3 may decrease in order to comply with international obligations of the Union.

2. Maximum number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean

Spain	to be established
France	to be established
Italy	to be established
Cyprus	to be established ³
Malta	to be established ²
Union	to be established

3. Maximum number of Union fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Adriatic Sea for farming purposes

Croatia	to be established
Italy	to be established
Union	to be established

³ This number may increase if a purse seine vessel is replaced by 10 longline vessels in accordance with footnote 4 or footnote 6 of table A in point 4 of this Annex.

4. The distribution between the Member States of the maximum number of fishing vessels flying the flag of a Member State authorised to fish for northern albacore as a target species in accordance with Article 12 of Regulation (EC) No 520/2007 shall be as follows:

Member State	Maximum number of vessels
Ireland	to be established
Spain	to be established
France	to be established
United Kingdom	to be established
Portugal	to be established

5. Maximum number of Union fishing vessels of at least 20 meters length that fish for bigeye tuna in the ICCAT Convention Area shall be as follows:

Member State	Maximum number of vessels with purse seines	Maximum number of vessels with longlines
Spain	to be established	to be established
France	to be established	to be established
Portugal	to be established	to be established
Union	to be established	to be established

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2. AMENDMENT TO THE COMMISSION PROPOSAL REGARDING NAFO MEASURES

- Recital 27 is replaced by the following:

“(27) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009⁴, and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.”

- Article 1(2)(b) is replaced by the following:

“(b) fishing effort limits for the year 2020, except the fishing effort limits in Annex IIA, which will apply from 1 February 2020 to 31 January 2021;”

- Article 15 is replaced by the following:

*“Article 15
Data transmission*

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught and fishing effort, they shall use the stock codes set out in Annex I to this Regulation.”

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).

- The fishing opportunities table for cod in NAFO 3M is replaced by the following:

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3M (COD/N3M.)
Estonia	95	Analytical TAC	
Germany	397	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	95	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	95		
Poland	324		
Spain	1 221		
France	170		
Portugal	1 673		
United Kingdom	795		
Union	4 865		
TAC	8 531		

The fishing opportunities table for Northern prawn in NAFO 3M is replaced by the following:

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3M ⁽¹⁾ (PRA/*N3M.)
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TAC Not relevant ⁽²⁾ Analytical TAC

⁽¹⁾ Vessels may also fish this stock in Division 3L in the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

Moreover, fishing for shrimp is prohibited from 1 June to 31 December in the area bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 55' 0	45° 00' 0
2	47° 30' 0	44° 15' 0
3	46° 55' 0	44° 15' 0
4	46° 35' 0	44° 30' 0
5	46° 35' 0	45° 40' 0
6	47° 30' 0	45° 40' 0
7	47° 55' 0	45° 00' 0

⁽²⁾ Not relevant. Fishery managed by limitations in fishing effort (**EFF/*N3M.**). The Member States concerned shall issue fishing authorisations for their fishing vessels engaging in this fishery and shall notify those authorisations to the Commission prior to the commencement of the vessel's activity, in accordance with Regulation (EC) No 1224/2009.

Member State	Maximum number of fishing days

Denmark	33
Estonia	391 *
Spain	64
Latvia	123
Lithuania	145
Poland	25
Portugal	17

* NAFO Commission agreed at its 2019 Annual Meeting that the European Union (Estonia) will transfer 25 fishing days of its fishing days allocation for 2020 to France, in respect of St Pierre et Miquelon. These 25 fishing days are deducted under this interim regime for 2020 that will not create any catch history.

3. COMMISSION PROPOSAL FOR FISHING EFFORT ON SOLE IN 7D

In Annex IIA, Table I is replaced by the following:

“Table I
Maximum number of days a vessel may be present within the area
by category of regulated gear per year

Regulated gear	Maximum number of days	
Beam trawls of mesh size \geq 80 mm	Belgium	176
	France	188
	United Kingdom	222
Static nets with mesh size \leq 220 mm	Belgium	176
	France	191
	United Kingdom	176

”
