

COMMISSION SERVICES NON PAPER

9 December 2020

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It is intended solely for those to whom it is addressed.*

Updates to Commission proposal COM(2020) 668 for a Council Regulation fixing for 2021 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 IN RELATION TO ICCAT

EXPLANATORY NOTE

In the context of the current pandemic, the ICCAT annual meeting has been replaced by a decision-making process by correspondence which started in October and will probably end by mid-December, early January. One issue is of particular interest: the TAC for the Northern Atlantic Albacore (N-ALB).

The ICCAT Recommendation on a Harvest Control Rule (HCR) for North Atlantic Albacore applies in 2020 and subsequent years, but only sets a TAC for the period 2018-2020. Therefore, a decision is to be taken this year to establish the TAC for 2021. Considering the decision process this year, it has been proposed to follow the scientific advice to establish the new TAC based on the current interim HCR, together with implementation of a pro-rata increase of the catch and other limits for one year only. ICCAT shall then review the interim HCR in 2021 with a view to adopting a long-term management procedure. While there seems to be a consensus on the level of TAC, there is a risk that ICCAT will not formally adopt it before the fishing opportunities Regulation is adopted at the Council in December. It is therefore suggested to include the expected TAC, with the caveat that it should be confirmed by ICCAT.

CHANGES TO RECITALS:

- The following recitals are inserted:
 - (33)a The current ICCAT Recommendation [17-04] on a Harvest Control Rule (HCR) for North Atlantic Albacore only sets a TAC for the period 2018-2020. Therefore, a decision is to be taken for 2021. Considering the decision process this year, it has been proposed to follow the scientific advice to establish the new TAC based on the current interim HCR, together with implementation of a pro-rata increase of the catch and other limits for one year only. While there seems to be a consensus on the level of TAC, there is a risk that ICCAT would not formally adopt it before this Regulation is adopted. A provisional TAC should therefore be set, pending the confirmation of measures by ICCAT.
 - (33)b Considering the decision making process this year, ICCAT has not yet formally adopted the TACs for bigeye tuna, yellowfin tuna, blue marlin, and white marlin. While there seems to be a consensus on the level of the TACs, there is a risk that ICCAT would not formally adopt these before this Regulation is adopted. A provisional TAC should therefore be set for each stock, pending the confirmation of measures by ICCAT.

CHANGES TO ANNEXES:

- The following fishing opportunities tables in Annex ID are amended as follows:

ANNEX ID

ICCAT CONVENTION AREA

Species:	Northern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	3 141,05	Analytical TAC	
Spain	17 704,08	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	5 568,22	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	1 941,74	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	28 355,08 ⁽¹⁾⁽²⁾		
TAC	37 801		
<p>⁽¹⁾ The number of Union fishing vessels fishing for northern albacore as a target species, in accordance with Article 12 of Regulation (EC) No 520/2007, shall be as follows: 1 241.</p> <p>⁽²⁾ Pending the decision during the 2020 ICCAT Decision making process.</p>			

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	Atlantic Ocean (BET/ATLANT)
Spain	7 604,35 ⁽¹⁾⁽²⁾	Analytical TAC	
France	3 230,00 ⁽¹⁾⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	3 133,93 ⁽¹⁾⁽²⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	13 968,28 ⁽¹⁾⁽²⁾⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	61 500 ⁽¹⁾⁽²⁾		
<p>⁽¹⁾ Catches of bigeye tuna by purse seiners (BET/*ATLPS) and long liners with an overall length of 20 metres and above (BET/ *ATLLL) shall be reported separately.</p> <p>⁽²⁾ As of June 2021, when catches reach 80 % of the quota, Member States are required to transmit the catches for these vessels on a weekly basis.</p> <p>⁽³⁾ Pending the decision during the 2020 ICCAT Decision making process, and after transfer of 300 tonnes from Japan.</p>			

Species:	Blue marlin <i>Makaira nigricans</i>	Zone:	Atlantic Ocean (BUM/ATLANT)
Spain	23,24	Analytical TAC	

France	380,36	Article 3 of Regulation (EC) No 847/96 shall not apply
Portugal	46,21	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	449,80 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	1670	

⁽¹⁾ Pending the decision during the 2020 ICCAT Decision making process, and after transfer of 2 tonnes to Trinidad & Tobago (ICCAT Rec. 19-05).

Species:	White marlin <i>Tetrapturus albidus</i>	Zone:	Atlantic Ocean (WHM/ATLANT)
Spain	32,94	Analytical TAC	
Portugal	21,06	Article 3 of Regulation (EC) No 847/96 shall not apply	
Other	1,00 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	55 ⁽¹⁾		
TAC	355		
⁽¹⁾ Pending the decision during the 2020 ICCAT Decision making process			

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	Atlantic Ocean (YFT/ATLANT)
TAC	110 000 ⁽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⁾ Catches of yellowfin tuna by purse seiners (YFT/*ATLPS) and long liners with an overall length of 20 metres and above (YFT/ *ATLLL) shall be reported separately.			

2. COMMISSION PROPOSAL IN RELATION TO IATTC

EXPLANATORY NOTE

In the context of the current pandemic, the IATTC annual meeting was held by video-conference.

During the meeting, the parties of the Inter-American Tropical Tuna Commission (IATTC) could not reach a consensus on the extension of the current tropical tuna measure. The measure is due to expire on 31 December 2020 will therefore cease to exist on that date and as a result the tropical tuna fishery in the Eastern Pacific ocean will not be regulated from 1 January 2021.

In view of the precautionary principle of the common fisheries policy, the Commission proposed to extend the applicability of the tropical tuna provisions set out in the Fishing Opportunities Regulation for its autonomous application by the Union until a new tropical tuna measure is agreed by IATTC.

CHANGES TO RECITALS:

- Recital 37 is replaced by the following:

At its annual meeting in 2020, the Inter-American Tropical Tuna Commission (IATTC) did not reach consensus on the extension of the current tropical tuna measure due to expire on 31 December 2020. As a result, the tropical tuna fishery in the Eastern Pacific Ocean will not be regulated from 1 January 2021. In view of the precautionary principle of the Common Fisheries Policy, it is appropriate that the Union continues applying provisions on tropical tuna as set out in Regulation fixing fishing opportunities for 2020 until a new tropical tuna measure is agreed by IATTC.

CHANGES TO ARTICLES:

- Article 1 on the subject matter is replaced by the following:

*“Article 1
Subject matter*

1. This Regulation fixes the fishing opportunities available in Union waters and to Union fishing vessels in certain non-Union waters, for certain fish stocks and groups of fish stocks.
2. The fishing opportunities referred to in paragraph 1 include:
 - (a) catch limits for the year 2021 and, where specified in this Regulation, for the year 2022;
 - (b) fishing effort limits for the year 2021, except the fishing effort limits set out in Annex II, which will apply from 1 February 2021 to 31 January 2022;
 - (c) fishing opportunities for the period from 1 December 2020 to 30 November 2021 for certain stocks in the CCAMLR Convention Area;”

- Article 30 on purse-seine fisheries is replaced by the following:

*“Article 30
Purse-seine fisheries*

1. Fishing by purse seiner vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*) shall be prohibited:
 - (a) from 00.00 hours on 29 July 2021 to 24.00 hours on 8 October 2021 or from 00.00 hours on 9 November 2021 to 24.00 hours on 19 January 2022 in the area defined by the following limits:
 - the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,
 - latitude 40° S;

- (b) from 00.00 hours on 9 October 2021 to 24.00 hours on 8 November 2021 in the area defined by the following limits:
- longitude 96° W,
 - longitude 110° W,
 - latitude 4° N,
 - latitude 3° S.
2. For each of their vessels, Member States concerned shall notify to the Commission before 1 April 2021 the selected period of closure referred to in point (a) of paragraph 1. All purse seine vessels of the Member States concerned shall stop purse-seine fishing in the areas defined in paragraph 1 during the selected period.
3. Purse seine vessels fishing for tuna in the IATTC Convention Area shall retain on board and then land or tranship all yellowfin, bigeye and skipjack tuna caught.
4. Paragraph 3 shall not apply in the following cases:
- (a) where the fish is considered unfit for human consumption for reasons other than size, or
 - (b) during the final set of a trip when there may be insufficient well space remaining to accommodate all the tuna caught in that set.”

CHANGES TO ANNEXES:

- Annex IL is replaced by the following:

ANNEX IL

IATTC CONVENTION AREA

Species:	Bigeye tuna <i>Thunnus obesus</i>		Zone: IATTC Convention Area (BET/IATTC)
Union	500	(1)	Precautionary TAC
TAC	Not relevant		
(1) This quota may only be fished by vessels using longlines.			