

COMMISSION SERVICES NON PAPER

14 December 2020

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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. AMENDMENTS TO THE COMMISSION PROPOSAL REGARDING FUNCTIONALLY LINKED TECHNICAL MEASURES IN THE NWW

- The following recitals are inserted:

“ICES advices for 2021 indicate that the stocks of cod and whiting in the Celtic Sea are below B_{lim} . Specific remedial measures were already taken for these stocks in Council Regulation (EU) 2020/123¹. The purpose of these measures were to contribute to the recovery of the stocks concerned. The measures for cod aim at improving selectivity by making the usage of gear that have lower levels of by-catches of cod mandatory in the areas where cod catches are significant, thus decreasing the fishing mortality of this stock in mixed fisheries. The measures for whiting consist of technical modifications to characteristics of gear to decrease by-catches of whiting. In accordance with Article 8 of the Western Waters multiannual plan, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that plan is below B_{lim} , further remedial measures must be taken to ensure the rapid return of the stock to levels above the level capable of producing MSY. In particular, those remedial measures may include suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities for those stocks and/or other stocks in the fisheries having by-catches of cod or whiting.

In line with the regionalisation process of the CFP, the Member States of the North Western Waters have submitted a joint recommendation on specific measures to reduce bycatches of cod and whiting in the Celtic Sea and adjacent areas based on the remedial measures that were in place in 2020. Additional selectivity measures aiming to reduce gadoid bycatches in the Irish Sea and West of Scotland are also included in the joint recommendation, based on similar measures that were in place in 2020.

STECF considers that the proposed measures are overall more selective or at least as selective as the technical measures in Regulation (EU) 2019/1241.

The measures to reduce bycatches of gadoids are functionally linked to the TACs of species caught in mixed fisheries together with gadoids (e.g. haddock, megrims, anglerfish and Norway lobster), as without these measures in place, TAC levels of target species should be reduced to ensure that gadoid stocks are able to recover. It is therefore proposed to adopt these measures.

The functionally linked technical measures should apply until the date on which the delegated act adopted in accordance with Article 15(2) Regulation (EU) 2019/2041 and amending Annex VI of that Regulation by introducing corresponding technical measures for the North Western Waters becomes applicable.”

¹ OJ L 25, 30.1.2020, p. 1–156

Article 11b is replaced by the following Article:

Article 11ba
Technical measures for cod and whiting in the Celtic Sea

1. The following measures shall apply to Union vessels fishing with bottom trawls and seines in ICES divisions from 7f, 7g, the part of 7h North of latitude 49° 30' North and the part of 7j North of latitude 49° 30' North and East of longitude 11° West:
 - a) Union vessels fishing with bottom trawls or seines shall use gear with one of the following mesh sizes:
 - 110 mm cod-end with 120 mm square-mesh panel,
 - 100 mm T90 cod-end,
 - 120 mm cod-end,
 - 100 mm with 160 mm square-mesh panel
 - b) In addition to measures referred to in point a), Union vessels fishing with bottom trawls whose catches measured before any discards consist of at least 20 % of haddock shall use:
 - (i) a fishing gear that is constructed with a minimum of one meter spacing between the fishing line and ground gear, or
 - (ii) any means proven to be at least equally selective for avoidance of cod, according to the assessment by ICES or the STECF, and approved by the Commission.
2. Member States may exempt from the application of paragraph 1 point (b) vessels fishing with bottom trawls whose catches, measured before any discards, consist of less than 1,5% of cod, provided those vessels are subject to a progressive increase of observer coverage at sea up to at least 20% of all their fishing trips as of 1 July 2021.
3. Union vessels fishing with bottom trawls and seines in ICES divisions from 7f to 7k and in the area West of 5° W longitude in ICES division 7e shall be prohibited from fishing unless they use a minimum cod-end mesh size of at least 100 mm. Nevertheless, this minimum cod-end mesh size requirement shall not apply to vessels whose by-catches of cod do not exceed 1.5 %, as assessed by the STECF, when fishing outside the areas mentioned in paragraph 1.
4. Measures referred to in paragraph 3 apply to Union vessels fishing with bottom trawls and seines in ICES divisions 7b and 7c from 1 June 2021. Union vessels fishing in these areas may also use other fishing gear, which has been assessed by STECF as resulting in the same or better selectivity characteristics in mixed demersal fisheries as that of a minimum cod-end mesh size of at least 100 mm, and approved by the Commission.

5. By way of derogation from paragraph 1, in ICES divisions from 7f, 7g, the part of 7h North of latitude 49° 30' North and the part of 7j North of latitude 49° 30' North and East of longitude 11° West:
- a) vessels operating with bottom trawls or seines with catches comprising more than 30% of Norway lobster shall use one of the following gear options:
- (i) 300 mm squared mesh panel; vessels below 12 meters in length over all may use a 200 mm square mesh panel;
 - (ii) Seltra panel;
 - (iii) Sorting grid with a 35 mm bar spacing as referred to in Annex VI Part B of Regulation (EU) 2019/1241 or a similar Netgrid selectivity device;
 - (iv) 100 mm cod-end with a 100 mm square mesh panel;
 - (v) Dual cod-end with the uppermost cod-end constructed with T90 mesh of at least 90mm and fitted with a separation panel with a maximum mesh size of 300mm.
- b) vessels operating with bottom trawls or seines with catches comprising more than 55% of whiting or 55% of anglerfish, hake or megrim combined, shall use one of the following gear options:
- (i) 100 mm cod-end with a 100 mm squared mesh panel;
 - (ii) 100mm T90 cod-end and extension
6. According to Article 15 of Regulation (EU) No 1380/2013 and Article 27(2) of Regulation (EU) 2019/1241, the catch percentages shall be calculated as the proportion by live weight of all marine biological resources landed after each fishing trip.

Article 11bb
Technical measures in the Irish Sea

The following measures shall apply to Union fishing vessels operating with bottom trawls or seines in ICES division 7a (Irish Sea):

- a) Vessels operating with bottom trawls or seines with a cod-end mesh size equal to or larger than 70 mm and smaller than 100 mm and with catches comprising more than 30% of Norway lobster shall use one of the following gear options:
- (i) 300 mm square mesh panel; vessels below 12 meters in length over all may use a 200 mm squared mesh panel;
 - (ii) Seltra panel;
 - (iii) Sorting grid with 35 mm bar spacing
 - (iv) CEFAS Netgrid;
 - (v) Flip-flap trawl.
- b) Vessels equal to or greater than 12 meters in length overall operating with bottom trawls or seines with catches comprising more than 10 % of haddock, cod and skates and rays combined, shall use 120 mm cod-end;

c) Vessels equal to or greater than 12 meters in length over all operating with bottom trawls or seines with catches comprising less than 10 % of haddock, cod and skates and rays combined shall apply a cod-end mesh size of 100 mm with a 100 mm square mesh panel. This provision shall not apply to vessels with catches comprising more than 30 % of Norway lobster or more than 85% of queen scallops.

Article 11bc
Technical measures in the West of Scotland

The following measures shall apply to Union fishing vessels operating with bottom trawls or seines in ICES divisions 6a and 5b, within the Union waters, East of 12°W (West of Scotland) in Norway lobster (*Nephrops norvegicus*) fisheries:

(a) vessels shall use of a square mesh panel (positioning retained) of at least 300 mm for vessels deploying a cod-end mesh size less than 100 mm; for vessels below 12 m in length over all and/or with engine power of 200 kW or less, the panel overall length may be 2 m and the panel 200 mm;

(b) vessels with catches comprising more than 30% of Norway lobster shall use a square mesh panel (positioning retained) of at least 160 mm for vessels deploying a cod-end mesh size of 100-119 mm.

- The following subparagraph is inserted in Article 50:

“Articles 11ba, 1bb and 11bc shall apply until the date on which the delegated act adopted in accordance with Article 15(2) of Regulation (EU) 2019/2041 and amending Annex VI of that Regulation by introducing corresponding technical measures for the North Western Waters becomes applicable.”