

# **COMMISSION SERVICES NON PAPER**

## **16 December 2020**

*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(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. CHANGES TO COMMISSION PROPOSAL**

### **CHANGES TO TEXT**

- Article 21(1) is replaced by the following:
  1. Fishing for toothfish during the 2020-2021 fishing season shall be limited to the Member States, subareas and number of vessels set out in table A of Annex VII for the species, TACs and by-catch limits set out in table B of that Annex.
  
- Article 22(1) is replaced by the following
  1. If a Member State intends to fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2020-2021 fishing season, it shall notify the Commission, no later than 1 May 2021, of its intention to fish for krill, using the format laid down in Part B of the Appendix to Annex VII to this Regulation. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2021.

## 2. COMMISSION PROPOSAL IN RELATION TO ANNEX IB

### EXPLANATORY NOTE:

The allocation of the share of cod in 1 and 2b available to the Union are established without prejudice to the rights and obligations deriving from the Treaty of Paris of 1920.

### CHANGES TO ANNEXES

- Annex IB is amended as follows:

The fishing opportunities cod 1 and 2b is replaced by the following:

Species:	Cod <i>Gadus morhua</i>	Zone:	1 and 2b (COD/1/2B.)
Germany	6 482 <sup>(3)</sup>	Analytical TAC	
Spain	13 085 <sup>(3)</sup>	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	3 060 <sup>(3)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	2 693 <sup>(3)</sup>	Article 6a(1) of this Regulation applies	
Portugal	2 627 <sup>(3)</sup>		
Other Member States	484 <sup>(1) (3)</sup>		
Union	28 431 <sup>(2) (3)</sup>		
United Kingdom	4 323 <sup>(3)</sup>		
TAC	Not relevant		
(1)	Except Germany, Spain, France, Poland, Portugal. Catches to be counted against this shared quota shall be reported separately (COD/1/2B_AMS).		
(2)	The allocation of the share of the cod stock available to the Union in the zone Spitzbergen and Bear Island and the associated by-catches of haddock are entirely without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.		
(3)	By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod.		

## 3. COMMISSION PROPOSAL IN RELATION TO NAFO

### EXPLANATORY NOTE:

At its annual meeting in 2020, the NAFO parties adopted measures to close directed fisheries for certain stocks under the NAFO convention area. These closures should be implemented in Union law.

### CHANGES TO ANNEXES

- Annex IC is amended as follows:

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	17	(1)(2)	Analytical TAC
Germany	70	(1)(2)	Article 3 of Regulation (EC) No 847/96 shall not apply
Latvia	17	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply
Lithuania	17	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply
Poland	57	(1)(2)	
Spain	215	(1)(2)	
France	30	(1)(2)	
Portugal	293	(1)(2)	
Union	716	(1)(2)	
TAC	1 500	(1)(2)	

(1) No directed fisheries are permitted under this quota between 24:00 UTC 31 December 2020 and 24:00 UTC 31 March 2021.

(2) No directed fisheries are permitted under this quota between 1 January and 31 March 2021. During this period this stock shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater, calculated in accordance with Article 7(3)(a) of Regulation (EU) 2019/833.

The fishing opportunities table for Yellowtail flounder in NAFO N3LNO, is replaced by the following:

Species:	Yellowtail flounder <i>Limanda ferruginea</i>	Zone:	NAFO 3LNO (YEL/N3LNO.)
Union	0 <sup>(1)</sup>	Analytical TAC	
TAC	17 000	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

- <sup>(1)</sup> No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 2 500 kg or 10 %, whichever is greater. However, if the Union is assigned an “Others” quota, once the “Others” quota is exhausted, the by-catch limits shall be a maximum of 1 250 kg or 5 %, whichever is greater.

The fishing opportunities table for Shortfin squid in N34. is replaced by the following:

Species:	Shortfin squid <i>Illex illecebrosus</i>	Zone:	NAFO Subareas 3 and 4 (SQI/N34.)
Estonia	128 <sup>(1)</sup>	Analytical TAC	
Latvia	128 <sup>(1)</sup>	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	128 <sup>(1)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	227 <sup>(1)</sup>	Article 4 of Regulation (EC) No 847/96 shall not apply	
Other Member States	29 467 <sup>(1) (2)</sup>		
Union	30 078 <sup>(1) (3)</sup>		
TAC	34 000		

<sup>(1)</sup> No vessel may fish for squid between 00:01 UTC on 1 January to 24:00 UTC on 30 June.

<sup>(2)</sup> This quantity is available to Canada and the Member States of the Union except Estonia, Latvia, Lithuania and Poland. Catches to be counted against this shared quota shall be reported separately (SQI/N34\_AMS).

<sup>(3)</sup> Corresponds to the sum of the quotas of Estonia, Latvia, Lithuania and Poland and the Union’s unspecified share available to Canada and the Member States of the Union except Estonia, Latvia, Lithuania and Poland.

#### 4. COMMISSION PROPOSAL IN RELATION TO CCSBT

##### CHANGES TO RECITALS:

- The following recital is amended:
- (38) At its annual meeting in 2020, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for the southern bluefin tuna for 2021 adopted at the annual meeting in 2016. Those measures should be implemented in Union law.

##### CHANGES TO ANNEXES:

- Annex IF is replaced by the following:

##### “ANNEX IF

##### SOUTHERN BLUEFIN TUNA – AREAS OF DISTRIBUTION

Species:	Southern bluefin tuna <i>Thunnus maccoyii</i>	Zone:	All areas of distribution (SBF/F41-81)
Union	11 <sup>(1)</sup>	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	17 647		

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

## 5. COMMISSION PROPOSAL IN RELATION TO WCPFC

### CHANGES TO RECITALS:

- The following recital is amended:
- (40) At its annual meeting in 2020, the Western and Central Pacific Fisheries Commission (WCPFC) extended the conservation and management measures for tropical tunas. It also clarified the catch limits applicable to EU longliners fishing for bigeye tuna. Those measures should be implemented in Union law.

### CHANGES TO TEXT:

- Articles 36, 37, and 39 in Section 8 on the WCPFC Convention area are replaced by the following:

*Article 36*  
*Conditions for bigeye tuna, yellowfin tuna, skipjack tuna*  
*and south Pacific albacore fisheries*

1. Member States shall ensure that the number of fishing days allocated to purse seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention Area located in the high seas between 20° N and 20° S does not exceed 403 days.
2. Union fishing vessels shall not target south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20° S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners in 2021 do not exceed the limits set out in the table of Annex IG.

*Article 37*  
*Management of fishing with FADs*

1. In the part of the WCPFC Convention Area located between 20° N and 20° S, it shall be prohibited for purse seine vessels to deploy, service or set on FADs between 00.00 hours on 1 July 2021 and 24.00 hours on 30 September 2021.
2. In addition to the prohibition set out in paragraph 1, it shall be prohibited to set on FADs on the high seas of the WCPFC Convention Area, between 20° N and 20° S, for an additional two months: either from 00.00 hours on 1 April 2021 to 24.00 hours on 31 May 2021, or from 00.00 hours on 1 November 2021 to 24.00 hours on 31 December 2021.
3. Paragraph 2 shall not apply in the following cases:
  - (a) in the final set of a trip, if the vessel has insufficient well space left to accommodate all fish;
  - (b) where the fish is unfit for human consumption for reasons other than size, or
  - (c) when a serious malfunction of freezer equipment occurs.

4. Member States shall ensure that each of its purse seiners have deployed at sea, at any time, no more than 350 FADs with activated instrumented buoys. The buoy shall be activated exclusively on board a vessel.
5. All purse seiners fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna caught.

*Article 39*

*Catch limits for swordfish in longline fisheries south of 20° S*

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20° S by longliners do not exceed in 2021 the limit set out in Annex IG. Member States shall also ensure that there is no shift of the fishing effort for swordfish to the area north of the 20° S, as a result of that measure.

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**CHANGES TO ANNEXES:**

- Annex IG is replaced by the following:

**“ANNEX IG**

**WCPFC CONVENTION AREA**

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	WCPFC Convention Area south of 20° S (BET/F7120S)
Portugal	2 000 <sup>(1)</sup>		Precautionary TAC
Spain	2 000 <sup>(1)</sup>		
Union	4 000 <sup>(1)</sup>		
TAC	Not relevant <sup>(1)</sup>		
<sup>(1)</sup> This quota may only be fished by vessels using longlines			
Species:	Swordfish <i>Xiphias gladius</i>	Zone:	WCPFC Convention Area south of 20°S (SWO/F7120S)
Union	3 170,36		Precautionary TAC
TAC	Not relevant		

”

- Annex IX is replaced by the following:

**“ANNEX IX**

**WCPFC CONVENTION AREA**

Maximum number of Union fishing vessels authorised to fish for swordfish in areas south of 20° S of the WCPFC Convention Area



Spain	14
Union	14

Maximum number of Union purse seiners authorised to fish for tropical tuna in areas south of 20° S of the WCPFC Convention Area

Spain	4
Union	4

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