Council of the
European Union

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PECHE 416

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION amending Regulation (EU) 2020/123 as regards fishing opportunities for Norway pout in 2020

COUNCIL REGULATION (EU) 2020/…

of …

amending Regulation (EU) 2020/123
as regards fishing opportunities for Norway pout in 2020

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Council Regulation (EU) 2020/123[1] fixes 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. It fixed fishing opportunities until 31 October 2020 for Norway pout and associated by-catches in the waters of the International Council for the Exploration of the Sea ('ICES') division 3a and Union waters of ICES division 2a and ICES subarea 4.

(2) Council Regulation (EU) 2020/1579[2] amended Regulation (EU) 2020/123 to set preliminary fishing opportunities covering the period from 1 November 2020 to 31 December 2020 for Norway pout and associated by-catches in the waters of ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 ('preliminary fishing opportunities').

(3) As the preliminary fishing opportunities cover only two months of the fishing year, which runs from 1 November to 31 October, they were set far below the annual catch advice provided by ICES.

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1 Council Regulation (EU) 2020/123 of 27 January 2020 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 (OJ L 25, 30.1.2020, p. 1).

2 Council Regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in other waters (OJ L 362, 30.10.2020, p. 3).

(4) The fishing season for Norway pout usually extends from September to January with a peak from October to December. The most recent catch data submitted to the Commission indicates that over 21 000 tonnes of Norway pout were caught in October 2020. Extrapolating those numbers according to the historical catch patterns of the Norway pout fishery indicates that the preliminary fishing opportunities are very likely soon to be exhausted and therefore not to be sufficient to cover the fishing activity up to the end of the year. In order to avoid the interruption of fishing activities for this stock before the end of 2020, it is therefore appropriate to adjust the preliminary fishing opportunities according to the most recent estimates, while staying fully in line with the ICES advice.

(5) Regulation (EU) 2020/123 should therefore be amended accordingly.

(6) The adjusted preliminary fishing opportunities should apply from 1 November. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned are increased.

(7) As the preliminary fishing opportunities cover the period from 1 November to 31 December 2020, this Regulation should enter into force immediately after its publication.

(8) The United Kingdom was consulted in accordance with Article 130(1) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community[1],

HAS ADOPTED THIS REGULATION:

[1] OJ L 29, 31.1.2020, p. 7.

Article 1

Amendment to Regulation (EU) 2020/123

Regulation (EU) 2020/123 is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force and period of application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2020 to 31 December 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council

The President

ANNEX

In Annex IA to Regulation (EU) 2020/123, the Fishing opportunities table for Norway pout and associated by-catches in ICES division 3a and Union waters of ICES division 2a and ICES subarea 4 is replaced by the following:

'Species:	Norway pout and associated by-catches *Trisopterus esmarkii*				Zone:	3a; Union waters of 2a and 4 (NOP/2A3A4.)
Period	1 November 2019 – 31 October 2020		1 November 2020 – 31 December 2020			Analytical TAC
Denmark	72 433	(*)(***)	49 953	(*)(******)		Article 3 of Regulation (EC) No 847/96 shall not apply
Germany	14	(*)(**)(***)	10	(*)(**)(******)		Article 4 of Regulation (EC) No 847/96 shall not apply
The Netherlands	53	(*)(**)(***)	37	(*)(**)(******)		
Union	72 500	(*)(***)	50 000	(*)(******)		
Norway	14 500	(****)	pm			
Faroe Islands	5 000	(*****)	pm			
TAC	Not relevant		Not relevant			

(*) Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

(**) Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.

(***) Union quota may only be fished from 1 November 2019 to 31 October 2020.

(****) A sorting grid shall be used.

(*****) A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.

(******) Union quota may be fished from 1 November 2020 to 31 December 2020.'