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OUTCOME OF PROCEEDINGS

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

Delegations will find attached a revised working document containing a summary of delegations' comments on the Commission proposal (doc. 13438/19 + ADD 1 + ADD 2) and Commission non-papers (docs. 13761/19 + 14385/19 + 14558/19 + 14724/19 + 14767/19 + 14947/19).

Comments are marked in ***bold and italics***. For detailed positions, please refer to the documents themselves¹. This document remains a working tool to facilitate discussions.

For ease of reference, 2019 TACs are referred to as well (in ***bold and italics***).

¹ Docs 14471/19 + ADD 1 to ADD 23.

GENERAL COMMENTS:

- Delegations maintain scrutiny reservations and recall that their **comments are preliminary** and that their positions on the stocks depend on the final package. DK, IE, NL and UK signalled their parliamentary and scrutiny reservation.
- In general, all delegations support the Commission's approach to base **TACs on scientific advice and management plans**, bearing in mind the objective of **achieving MSY by 2020**. However, For stocks where biomass is below blim, or for which ICES had advised zero catches, FR highlighted that reaching MSY by 2020 will be difficult, and that the priority should be rebuilding the biomass. UK asks to have certain exceptions as regards achieving MSY, such as the need to account for discards of by-catches from mixed fisheries in delivering effective implementation of the landing obligation.
- The importance of **socio-economic objectives of the CFP**, especially in the context of a general improvement of the status of the stocks was highlighted by ES.
- On **control measures**, certain delegations (BE, DE, FR, EE, ES, LV, LT) questioned the practical and legal feasibility of such provisions.
- BE, FR, ES called for the **full use of the ranges** provided by the MAPs, including the upper range, instead of systematically aiming for the lower point value, in particular to limit variations from one year to another, as it has socio-economic consequences. For stocks with no ranges, such as horse mackerel and hake, FR asked for more flexibility in the setting of TACs, especially if those have undergone substantial consecutive upward and downward variations. In line with the objectives of the NS MAP, SE is supportive of utilising ranges for associated species as well as of the introduction of additional measures in order to reduce fishing mortality and to avoid choke situations for target species when necessary.
- FR stands ready to work with the Commission and the Council to identify stocks for which a **multiannual evaluation** could be conducted by ICES, in view of setting a multiannual TAC, to give more visibility to the sector.
- As regards the **bycatch TACs**, FR emphasised that sufficient TAC levels are required for the open-poll mechanism to fully work. For the UK, by-catch TACs should be set at levels which reflect the level of unavoidable bycatch of these stocks from other fisheries.

- **For stocks where MSY is not available or data limited stocks**, BE and FR expressed concerns on the approaches followed by ICES and call on the review, within the Workshop on the ICES Approach to Uncertainty, of the -20% precautionary reduction applied every three years for certain stocks where data is limited. DK, IE and UK support the management of such stocks on a case-by-case basis, DK and UK oppose ‘use-it-or-lose-it’ approaches and considers that decisions on TACs should be informed by all available evidence; including directional trends in fishing mortality, biomass and fishing effort.
- Several delegations (BE, DK, ES, FR, IE, UK) raised the issue of **choke species** and the importance of setting TACs which take account of unavoidable bycatches. In that context, ES asked for the use of inter-species flexibility when conditions are met.
- On deduction calculations for **high survivability** stocks, BE and FR reminded that the mortality values which are taken into account should be limited to up to 50%.
- On the **application of Hague Preferences**, UK will invoke and/or counter invoke Hague Preference after reviewing relevant stocks and invocation rates, where appropriate, and IE reserves the right to invoke or counter invoke the Hague Preferences. BE cannot accept the application of Hague Preferences.
- On **EU/Norway**, UK considers that a proportionate contribution should come from the southern component of the blue whiting stock. Several delegations believe that more flexibility towards Norway is needed to finalise a deal before the Council.
- LV linked its final vote on the outcome as regards **snow crab** fishing opportunities. LT notes that the Commission should use international legal dispute settlement measures and ensure the rights of MS with fishing authorisations to operate in Svalbard zone.

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

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) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council² requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, as well as any advice received from Advisory Councils.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

(3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities should be fixed in accordance with the objectives of the Common Fisheries Policy (CFP) established in Article 2(2) of that Regulation. In accordance with Article 16(1) of that Regulation, fishing opportunities should be allocated to Member States in such a way as to ensure relative stability of fishing activities of each Member State for each fish stock or fishery.

(4) The total allowable catch (TAC) should therefore be established, in line with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders, in particular at the meetings of the Advisory Councils.

(5) In accordance with Article 15 of Regulation (EU) No 1380/2013, the full landing obligation applies from 1 January 2019 and all species subject to catch limits should be landed. Article 16(2) of Regulation (EU) No 1380/2013 provides that, when the landing obligation in respect of a fish stock applies, fishing opportunities are to be fixed taking into account the change from fixing fishing opportunities that reflect landings to fixing fishing opportunities that reflect catches. On the basis of the joint recommendations submitted by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission adopted a number of delegated Regulations laying down details for the implementation of the landing obligation in the form of specific discard plans applicable on a temporary basis for a maximum period of three years.

(6) The fishing opportunities for stocks of species falling under the landing obligation should take into account the fact that discarding is in principle no longer allowed. Therefore, the fishing opportunities should be based on the advice figure for total catches (instead of the advice figure for wanted catches), as provided by the International Council for the Exploration of the Sea (ICES). The amounts that, by way of exception, may continue to be discarded during the operation of the landing obligation should be deducted from that advice figure for total catches.

(7) There are certain stocks for which ICES has issued scientific advice for no catches. If the TACs for those stocks are set at the level indicated in the scientific advice, the obligation to land all catches in mixed fisheries with by-catches from these stocks would lead to the phenomenon of 'choke species'. In order to strike the right balance between continuing fisheries in view of the potentially severe socio-economic implications, and the need to achieve a good biological status for those stocks, taking into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, it is appropriate to establish specific TACs for by-catches for those stocks. The level of these TACs should be such that mortality for these stocks is decreased and that it provides incentives for improvements in selectivity and avoidance. In order to guarantee to the extent possible the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation (EU) No 1380/2013, it is appropriate to establish a pool for quota exchanges for those Member States that have no quota to cover their unavoidable by-catches.

(8) In order to reduce catches of the stocks for which by-catch TACs are set, fishing opportunities for the fisheries in which fish from these stocks is caught should be set at levels that help the biomass of vulnerable stocks to recover to sustainable levels. Technical and control measures that are intrinsically linked to fishing opportunities should also be established to prevent illegal discarding.

(9) According to scientific advice, the spawning-stock biomass of European seabass (*Dicentrarchus labrax*) in the Celtic Sea, Channel, Irish Sea and southern North Sea (ICES divisions 4b, 4c, 7a, and 7d to 7h) has been declining since 2009 and is currently below MSY Btrigger and just above Blim. The fishing mortality, due to the measures taken by the European Union has decreased and is currently below Fmsy. Recruitment is low, fluctuating without trend since 2008. Establishing catch limits in line with MSY would lead to a decrease in biomass, with the risk of biomass falling below Blim. Therefore, the fishing mortality should be set in line with Fmsy lower (1634 tonnes according to ICES advice) and the measures from 2019 should be maintained in 2020. Measures for recreational fisheries for European seabass should also be continued, taking account of the significant impact of such fisheries on the stocks concerned. Within the limits of the scientific advice, the catch-and-release practice and bag limit should continue. The use of gears not allowing high levels of survivability should be excluded, when only catch-and-release practice is allowed. For the rest of the year, the use of gears that catch higher number of specimens than the established limits should also be excluded.

(9a) In accordance with the Western Waters Multiannual Plan set out in Regulation (EU) 2019/472, the target fishing mortality, in line with the ranges of F_{msy} defined in Article 2 of that Regulation, is to be achieved as soon as possible, and on progressive and incremental basis by 2020 for the stocks listed in Article 1(1) of that Regulation and shall be maintained thereafter within the ranges of F_{msy} , in accordance with Article 4 of that Regulation. The overall fishing mortality for seabass in ICES divisions 8a and 8b should therefore be set in line with maximum sustainable yield, taking into account commercial and recreational catches and including discards (2533 tonnes altogether according to the ICES advice). Member States are to take appropriate measures to ensure that the fishing mortality from their fleets and from their recreational fishermen does not exceed F_{msy} point value, as required by Article 4(3) of Regulation (EU) 2019/472.

(10) As regards the European eel (*Anguilla anguilla* L.) stock, ICES has advised that all anthropogenic mortalities, including recreational and commercial fisheries, should be reduced to zero, or kept as close to zero as possible. Moreover, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel in the Mediterranean Sea. It is appropriate to maintain the level playing field across the Union and hence to maintain also for the Union waters of the ICES area as well as brackish waters such as estuaries, coastal lagoons and transitional waters a consecutive three-month closure period for all fisheries of European eel at all life stages. As the fishing closure period should be consistent with the conservation objectives set out in Council Regulation (EC) No 1100/2007 and with the temporal migration patterns of European eel, for the Union waters of the ICES area it is appropriate to set it in the period between 1 August 2020 and 28 February 2021.

(11) For some years, certain TACs for stocks of elasmobranchs (skates, sharks, rays) have been set at zero, with a linked provision establishing an obligation to immediately release accidental catches. The reason for that specific treatment was the poor conservation status of those stocks and the assumption that discarding, because of high survival rates, would not raise fishing mortality rates and would be beneficial for the conservation of those species. As of 1 January 2019, however, catches of those species have to be landed, unless they are covered by any of the derogations from the landing obligation provided for in Article 15 of Regulation (EU) No 1380/2013. Point (a) of Article 15(4) of that Regulation allows such derogations for species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the CFP. Therefore, it is appropriate to prohibit the fishing of those species in the areas concerned.

(12) Pursuant to Article 16(4) of Regulation (EU) No 1380/2013, for stocks subject to specific multiannual plans the TACs should be established in accordance with the rules laid down in those plans.

(13) The North Sea multiannual plan was established by Regulation (EU) 2018/973 of the European Parliament and of the Council³ and entered into force in 2018. The multiannual plan for the Western Waters was established by Regulation (EU) 2019/472 of the European Parliament and of the Council⁴ and entered into force in 2019. Fishing opportunities for stocks listed in Article 1 of the Plans should be established in accordance with targets (ranges of FMSY) and safeguards in compliance with conditions provided for in these Plans. The ranges of FMSY have been identified in the relevant ICES advice. Fishing opportunities for by-catch stocks should be established in accordance with the precautionary approach, as set out in the multiannual plans. In order to limit variations in fishing opportunities between consecutive years, in accordance with point (c) of Article 4(5) of Regulation (EU) 2019/472, it is appropriate to use the upper range of FMSY for the stocks of northern hake and southern hake.

(14) In accordance with Article 8 of the multiannual plan for the Western Waters, when scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that Plan is below the Blim, further remedial measures must be taken to ensure 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.

(15) In its advice, ICES indicated that stocks of cod and whiting in the Celtic Sea are below Blim. Therefore, further remedial measures must be taken for those stocks. These measures should contribute to the recovery of the stocks concerned and should replace further reduction of fishing opportunities for fisheries in which these stocks are caught. They should therefore consist of suspension of fisheries during the spawning period, as well as technical (modifications to characteristics of gears) and control measures that are intrinsically linked to fishing opportunities for fisheries in which these species are caught.⁵

³ Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

⁴ Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 179, 16.7.2018, p. 1).

⁵ ***FR: Recital is legally questionable, cf. Article 43.3 TFUE on Council's prerogative to set TACs.***

(16) The TACs for bluefin tuna in the Eastern Atlantic and the Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council⁶.

(17) As a result of a benchmark exercise on the stock of herring to the west of Scotland, ICES has provided advice for the combined herring stocks in divisions 6a, 7b and 7c (West of Scotland, West of Ireland). The advice covers two separate TACs (for divisions 6aS, 7b and 7c on the one hand, and for divisions 5b, 6b and 6aN on the other). According to ICES, a rebuilding plan has to be developed for those stocks. Since, according to scientific advice, the management plan for the northern stock⁷ cannot be applied to the combined stocks and it is not possible to set separate fishing opportunities for those two stocks, a TAC should be established to permit limited catches in a commercially operated scientific sampling programme.

(18) On 17 December 2018 ICES has published scientific advice on the inter-area flexibility for horse mackerel (*Trachurus* spp.) between ICES divisions 8c and 9a. ICES advised the inter-area flexibility between two stocks should not exceed the difference between the catch corresponding to a fishing mortality of $F_{p,05}$ and the established TAC. There should also be no transfer of TAC to a stock with a spawning-stock biomass below the limit reference point (B_{lim}). Under the conditions of that scientific advice, the inter-area flexibility (special condition) for horse mackerel between ICES subarea 9 and ICES division 8c for 2019 should be established at 10%.

(19) For stocks for which there is no sufficient or reliable data in order to provide size estimates, management measures and TAC levels should follow the precautionary approach to fisheries management as defined in Article 4(1)(8) of Regulation (EU) No 1380/2013, while taking into account stock-specific factors, including, in particular, available information on stock trends and mixed fisheries considerations.

⁶ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

⁷ Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock (OJ L 344, 20.12.2008, p. 6).

(20) Council Regulation (EC) No 847/96⁸ introduced additional conditions for year-to-year management of TACs including, under Articles 3 and 4 of that Regulation, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of the stocks. In 2014, a further year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, hinder the achievement of the objectives of the CFP and deteriorate the biological status of the stocks, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.⁹

(21) The inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 should be excluded where the application of this flexibility would undermine the achievement of the CFP objectives, in particular for stocks with spawning biomass below Blim.

(22) Where a TAC relating to a stock is allocated to one Member State only, it is appropriate to empower that Member State in accordance with Article 2(1) of the Treaty to determine the level of such TAC. Provisions should be made to ensure that, when fixing that TAC level, the Member State concerned acts in a manner fully consistent with the principles and rules of the CFP.

(23) It is necessary to establish the fishing effort ceilings for 2020 in accordance with Articles 5, 6, 7 and 9 of, and Annex I to, Regulation (EU) 2016/1627.

(24) In order to guarantee full use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between certain TAC areas where the same biological stock is concerned.

(25) For certain species, such as certain species of sharks, even a limited fishing activity could result in a serious conservation risk. Fishing opportunities for such species should therefore be fully restricted through a general prohibition on fishing those species.

⁸ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

⁹ **UK supports the principle of flexibility between TAC areas, but only where the same biological stock is concerned.**

(26) At the 12th Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals, held in Manila from 23 to 28 October 2017, a number of species were added to the lists of protected species in Appendices I and II of the Convention. Therefore, it is appropriate to provide for the protection of those species with respect to Union fishing vessels fishing in all waters and non-Union fishing vessels fishing in Union waters.

(27) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009 , 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.

(28) It is appropriate, following advice from ICES, to maintain a specific system to manage sandeel and associated by-catches in Union waters of ICES divisions 2a and 3a and ICES subarea 4. Given that the ICES scientific advice is expected to become available only in February 2020, it is appropriate to set the TAC and quotas for that stock provisionally at zero until such advice is released.

(29) In accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway¹⁰ and the Faroe Islands¹¹, the Union has held consultations on fishing rights with those partners. In accordance with the procedure provided for in the agreement and protocol on fisheries relations with Greenland¹², the Joint Committee has established the level of fishing opportunities available for the Union in Greenland waters in 2020. It is therefore necessary to include those fishing opportunities in this Regulation.

¹⁰ Agreement on fisheries between the European Economic Community and the Kingdom of Norway (OJ L 226, 29.8.1980, p. 48).

¹¹ Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part (OJ L 226, 29.8.1980, p. 12).

¹² Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (OJ L 172, 30.6.2007, p. 4) and Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement (OJ L 293, 23.10.2012, p. 5).

(30) At its annual meeting in 2019, the North-East Atlantic Fisheries Commission (NEAFC) adopted conservation measures for the two redfish stocks in the Irminger Sea. Those measures should be implemented in Union law. [the recital and the measure will be reviewed after the annual meeting]

(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.

(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.

(33) At its annual meeting in 2019, the Parties to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for both target and by-catch species for the period from 1 December 2019 to 30 November 2020. The uptake of the quotas during 2019 should be considered when setting fishing opportunities for 2020.

(34) At its annual meeting in 2019, the Indian Ocean Tuna Commission (IOTC) adopted new catch limits for yellowfin tuna (*Thunnus albacares*) that do not affect the Union catch limits in IOTC. But it reduced possibilities for using fish-aggregating devices (FADs) and supply vessels. Measures on retention of Mobuild rays were adopted. Those measures should be implemented in Union law.

(35) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 14 to 18 February 2020. The current measures in the SPRFMO Convention Area should be provisionally maintained until such annual meeting is held.

(36) At its annual meeting in 2017, the Inter-American Tropical Tuna Commission (IATTC) adopted a conservation measure for yellowfin tuna, bigeye tuna and skipjack tuna for the period 2018–2020. It was not revised at its annual meeting in 2019 and should thus continue being implemented in Union law. [the recital and the measure will be reviewed after the annual meeting]

(37) At its annual meeting in 2019, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for the Southern bluefin tuna for the period 2018–2020 adopted at the annual meeting in 2016. Those measures should be implemented in Union law.

(38) At its annual meeting in 2019, the South East Atlantic Fisheries Organisation (SEAFO) adopted TACs for the main species under its purview. Those measures should be implemented in Union law. [the recital and the measure will be reviewed after the annual meeting]

(39) At its annual meeting in 2019, the Western and Central Pacific Fisheries Commission (WCPFC) adopted conservation and management measures. Those measures should be implemented in Union law. [the recital and the measure will be reviewed after the annual meeting]

(40) At its 41st annual meeting in 2019, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2020 for certain stocks in subareas 1 to 4 of the NAFO Convention Area. Those measures should be implemented in the Union law.

(41) The 6th Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) in 2019 adopted conservation and management measures for the stocks under the scope of the Agreement. Those measures should be implemented in Union law.

(42) Certain international measures which create or restrict fishing opportunities for the Union are adopted by the relevant Regional Fisheries Management Organisations (RFMOs) at the end of the year and become applicable before the entry into force of this Regulation. It is therefore necessary for the provisions that implement such measures in Union law to apply retroactively. In particular, since the fishing season in the CCAMLR Convention Area runs from 1 December to 30 November, and thus certain fishing opportunities or prohibitions in the CCAMLR Convention Area are laid down for a period of time starting from 1 December 2019, it is appropriate that the relevant provisions of this Regulation apply from that date. Such retroactive application does not prejudice the principle of legitimate expectations as CCAMLR members are forbidden to fish in the CCAMLR Convention Area without authorisation.

(43) As regards the fishing opportunities for snow crab around the area of Svalbard, the Treaty of Paris of 1920 grants equal and non-discriminatory access to resources for all parties to that Treaty, including with respect to fishing. The view of the Union concerning that access, as regards fishing for snow crab on the continental shelf around Svalbard, has been set out in two *notes verbales* to Norway dated 25 October 2016 and 24 February 2017. In order to ensure that the exploitation of snow crab within the area of Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area within the limits of the said Treaty, it is appropriate to fix the number of vessels that are authorised to conduct such fishery. The allocation of such fishing opportunities among Member States is limited to 2020. It is recalled that in the Union primary responsibility for ensuring compliance with applicable law lies with the flag Member States.

(44) In accordance with the declaration by the Union addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in Union waters to fishing vessels flying the flag of Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana¹³, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.

(45) Given that certain provisions are to be applied on a continuous basis, and in order to avoid legal uncertainty during the period between the end of 2020 and the date of entry into force of the Regulation fixing the fishing opportunities for 2021, the provisions concerning prohibitions and closed seasons set out in this Regulation should continue to apply at the beginning of 2021, until the entry into force of the Regulation fixing the fishing opportunities for 2021.

¹³ OJ L 6, 10.1.2012, p. 9.

(46) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards authorising individual Member States to manage fishing effort allocations in accordance with a kilowatt-day system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁴.

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards granting of additional days at sea for permanent cessation of fishing activities and for enhanced scientific observer coverage as well as establishing formats of spreadsheets for the collection and transmission of information concerning transfer of days at sea between fishing vessels flying the flag of a Member State. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(48) In order to avoid the interruption of fishing activities and to ensure the livelihood of the fishermen of the Union, this Regulation should apply from 1 January 2020, except for the provisions concerning fishing effort limits, which should apply from 1 February 2020, and certain provisions concerning particular regions, which should have a specific date of application. For reasons of urgency, this Regulation should enter into force immediately after its publication.

(49) Fishing opportunities should be used in full compliance with Union law,

(50) According to scientific advice by ICES, the Celtic Sea herring (*Clupea harengus*) stock (in ICES divisions 7a South of 52°30'N, 7g–h, and 7j–k) is below Blim. Therefore, ICES advised that catches in 2020 should be zero tonnes. ICES suggested that a monitoring fishery should be conducted to maximize the contribution to scientific data collection, including assisting with the acoustic survey and that the minimum level of catches should be 869 tonnes. This figure could provide the minimum number of at least 17 samples required for a monitoring TAC. It is thus appropriate to set a TAC for a sentinel fishery for Celtic Sea herring to collect uninterrupted fisheries-dependent catch data, without impairing the recovery of the stock;

¹⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

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 2020 and, where specified in this Regulation, for the year 2021;
 - (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;
 - (c) fishing opportunities for the period from 1 December 2019 to 30 November 2020 for certain stocks in the CCAMLR Convention Area;
 - (d) fishing opportunities for certain stocks in the IATTC Convention Area set out in Article 30 for the periods in 2019 and 2020 specified in that Article.

Article 2

Scope

1. This Regulation shall apply to the following vessels:
 - (a) Union fishing vessels;
 - (b) third-country vessels in Union waters.
2. This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3
Definitions

For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (a) 'third-country vessel' means a fishing vessel flying the flag of, and registered in, a third country;
- (b) 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources such as recreation, tourism or sport;
- (c) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (d) 'total allowable catch' (TAC) means:
 - (i) in fisheries subject to the exemption of the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that can be landed from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that can be caught from each stock each year;
- (e) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (f) 'analytical assessments' means quantitative evaluations of trends in a given stock, based on data about the stock's biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (g) 'mesh size' means the mesh size of fishing nets as defined in Article 6(27)¹⁵ of Regulation (EU) 2019/1241¹⁶;

¹⁵ ***NL: notes that the reference should be to Article 6 point 34 instead of 27.***

¹⁶ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

(h) 'Union fishing fleet register' means the register set up by the Commission in accordance with Article 24(3) of Regulation (EU) No 1380/2013;

(i) 'fishing logbook' means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009.

Article 4
Fishing zones

For the purposes of this Regulation, the following zone definitions apply:

(a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009¹⁷;

(b) 'Skagerrak' means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;

(c) 'Kattegat' means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;

(d) 'Functional Unit 16 of ICES subarea 7' means the geographical area bounded by rhumb lines sequentially joining the following positions:

- 53° 30' N 15° 00' W,
- 53° 30' N 11° 00' W,
- 51° 30' N 11° 00' W,
- 51° 30' N 13° 00' W,
- 51° 00' N 13° 00' W,
- 51° 00' N 15° 00' W;

¹⁷ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

(e) 'Functional Unit 25 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions¹⁸:

- 43° 00' N 9° 00' W,
- 43° 00' N 10° 00' W,
- 43° 30' N 10° 00' W,
- 43° 30' N 9° 00' W,
- 44° 00' N 9° 00' W,
- 44° 00' N 8° 00' W,
- 43° 30' N 8° 00' W;

(f) 'Functional Unit 26 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:

- 43° 00' N 8° 00' W,
- 43° 00' N 10° 00' W,
- 42° 00' N 10° 00' W,
- 42° 00' N 8° 00' W;

(g) 'Functional Unit 27 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:

- 42° 00' N 8° 00' W,
- 42° 00' N 10° 00' W,

¹⁸ ***ES:*** *there should be an eight position, 43° 00' N – 8° 00' O, to close the geographical area*

- 38° 30' N 10° 00' W,
- 38° 30' N 9° 00' W,
- 40° 00' N 9° 00' W,
- 40° 00' N 8° 00' W;

(h) 'Functional Unit 30 of ICES division 9a' means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of 9a;

(i) 'Functional Unit 31 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions:

- 43° 30' N 6° 00' W,
- 44° 00' N 6° 00' W,
- 44° 00' N 2° 00' W,
- 43° 30' N 2° 00' W;

(j) 'Gulf of Cádiz' means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;

(k) 'CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention Area' is the geographical area defined in Article 2(a) of Council Regulation (EC) No 601/2004¹⁹;

¹⁹ Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

- (l) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council²⁰;
- (m) 'IATTC (Inter–American Tropical Tuna Commission) Convention Area' is the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica²¹;
- (n) 'ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention Area' is the geographical area defined in the International Convention for the Conservation of Atlantic Tunas²²;
- (o) 'IOTC (Indian Ocean Tuna Commission) Area of Competence' is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission²³;
- (p) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council²⁴;

²⁰ Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

²¹ Concluded by Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

²² The Union acceded by Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

²³ The Union acceded by Council Decision 95/399/EC of **18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission** (OJ L 236, 5.10.1995, p. 24).

²⁴ Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

(q) 'SEAFO (South East Atlantic Fisheries Organisation) Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean²⁵;

(r) 'SIOFA Agreement Area' is the geographic area defined in the Southern Indian Ocean Fisheries Agreement²⁶;

(s) 'SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area' is the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean²⁷;

(t) 'WCPFC (Western and Central Pacific Fisheries Commission) Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean²⁸;

(u) 'high seas of the Bering Sea' is the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the coastal States of the Bering Sea is measured;

(v) 'overlap area between IATTC and WCPFC' is the geographical area defined by the following limits:

- longitude 150° W,
- longitude 130° W,
- latitude 4° S,
- latitude 50° S.

²⁵ Concluded by Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

²⁶ The Union acceded by Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

²⁷ The Union acceded by Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

²⁸ The Union acceded by Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

TITLE II

FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

Chapter I

General provisions

Article 5
TACs and allocations

1. The TACs for Union fishing vessels in Union waters or certain non-Union waters and the allocation of such TACs among Member States, and the conditions functionally linked thereto, where appropriate, are set out in Annex I.
2. Union fishing vessels shall be authorised to make catches, within the TACs set out in Annex I to this Regulation, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland and Norway, and the fishing zone around Jan Mayen, subject to the condition set out in Article 16 of, and Annex III to, this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council²⁹ and its implementing provisions.

Article 6
TACs to be determined by Member States

1. The TACs for certain fish stocks shall be determined by the Member State concerned. Those stocks are identified in Annex I.
2. The TACs to be determined by a Member State shall:
 - (a) be consistent with the principles and rules of the CFP, in particular the principle of sustainable exploitation of the stock; and

²⁹ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

(b) result:

(i) if analytical assessments are available, in the exploitation of the stock consistent with maximum sustainable yield from 2020 onwards, with as high a probability as possible; or

(ii) if analytical assessments are unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.

3. By 15 March 2020, each Member State concerned shall submit the following information to the Commission:

(a) the TACs adopted;

(b) the data collected and assessed by the Member State concerned on which the TACs adopted are based;

(c) details on how the TACs adopted comply with paragraph 2.

Article 7

Conditions for landing catches and by-catches³⁰

1. Catches that are not subject to the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:

(a) have been taken by vessels flying the flag of a Member State having a quota and that quota has not been exhausted; or

(b) consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

2. The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in Annex I to this Regulation for the purposes of the derogation from the obligation to count catches against the relevant quotas provided for in that Article.

³⁰ ***FR: Request for inter-species flexibilities to be included in the Annex***

Article 8

*Quota exchanges mechanism for TACs for unavoidable by-catches
related to the introduction of the landing obligation³¹*

1. In order to take into account the introduction of the landing obligation and to make quotas available to Member States without a quota for certain by-catches, the quota exchange mechanism as defined in this Article shall apply to the TACs identified in Annex IA.
2. 6 % of each quota from the TACs for cod in the Celtic Sea, cod in the West of Scotland, whiting in the Irish Sea and plaice in ICES divisions 7h, 7j and 7k, and 3 % of each quota from the TAC for West of Scotland whiting, allocated to each Member State, shall be made available for a pool for quota exchanges, which shall open as of 1 January 2019. Member States without quota shall have exclusive access to the quota pool until 31 March 2019.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. Any unused quantities shall be returned to those Member States that have initially contributed to the pool for quota exchanges after 31 March 2019.
4. The quotas provided in return shall be preferably taken from a list of TACs identified by each Member State contributing to the pool as listed in the Appendix to Annex IA.
5. Those quotas shall be of equivalent commercial value by using a market exchange rate or other mutually acceptable exchange rates. In absence of alternatives, the equivalent economic value in accordance to the average Union prices of the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products, shall be used.
6. In cases where the above mechanism does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.

³¹ ***ES:** essential to maintain, in relation to the stocks in the area where at least one MS with fishing activity does not have a quota allocation under the relative stability principle.*

***FR:** Essential to limit choke species problem. Request to add horse-mackerel in 2a, 4a, 7a-c, 7e-k, 8a, 8b, 8d and 8e as a stock of interest to FR in the open pool mechanism. The percentages used in this mechanism also need to be adjusted in accordance with the TACs.*

Article 9
Fishing effort limits in ICES division 7e

1. For the periods referred to in point (b) of Article 1(2), the technical aspects of the rights and obligations related to Annex IIA for the management of the sole stock in ICES division 7e are set out in Annex IIA.
2. The Commission may, by means of implementing acts, allocate a requesting Member State a number of days at sea additional to those referred to in Point 5 of Annex IIA, on which a vessel may be authorised by its flag Member State to be present within ICES division 7e when carrying on board any regulated gear, on the basis of such a request by that Member State, in accordance with Point 7.4 of Annex II A. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(2).
3. The Commission may, by means of implementing acts, allocate a requesting Member State a maximum of three days between 1 February 2020 and 31 January 2021 additional to those referred to in Point 5 of Annex IIA, on which a vessel may be present within ICES division 7e on the basis of an enhanced programme of scientific observer coverage as referred to in Point 8.1 of Annex IIA. Such an allocation shall be done on the basis of the description submitted by the Member State in accordance with Point 8.3 of Annex IIA and following consultation with STECF. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 50(2).

Article 10
*Measures on European seabass fisheries*³²

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass in ICES divisions 4b and 4c, and in ICES subarea 7. It shall be prohibited to retain, tranship, relocate or land European seabass caught in that area.³³
2. By derogation from paragraph 1, in January 2020 and from 1 April to 31 December 2020, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h and in waters within 12 nautical miles from baselines under the sovereignty of the United Kingdom in ICES divisions 7a and 7g may fish for European seabass, and retain, tranship, relocate or land European seabass caught in that area with the following gears and within the following limits:
 - (a) using demersal trawls³⁴, for unavoidable by-catches not exceeding 400 kilogrammes per two months and 1 % of the weight of the total catches of marine organisms on board caught by that vessel in any single day;³⁵
 - (b) using seines³⁶, for unavoidable by-catches not exceeding 210 kilogrammes per month and 1 % of the weight of the total catches of marine organisms on board caught by that vessel in any single day;
 - (c) using hooks and lines³⁷, not exceeding 5,5 tonnes per vessel per year;

³² ***FR:*** on the Northern stock: the limits can be softened. On the Southern stock: FR support national management measures and ready to increase minimum size and reduce fishing efforts in winter, if catch limits are maintained at 2150 tonnes. On recreational fisheries, the restrictions proposed are too comprehensive - some practices are very selective, such as under-water fishing or small longlines with a few hooks.

FR, NL: question the setting of a minimum size (technical measure) in the TQR from a legal perspective
ES and NL: scrutiny reservation

NL: ICES allows for a small increase in catches and a higher bag limit.

IE: would support a bag limit of 1 fish per day, all year, in waters around IE.

UK: cautions against relying exclusively upon the new bass tool at this stage. On catch limits, UK recommends a trawl and seine flexibility increase to 5% of bass retained on board per day, and a monthly cap of 400kg. For recreational bag limit and catch and release season in paragraph 5 (a) and (b), UK recommends a bag limit increase up to 2 or 3 fish a day for the 7 months season.

³³ ***UK:*** suggests " It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries, including from shore with the exception of incidental by-catches from shore based fixed gillnet activity regulated at Member State level, to fish for European seabass in ICES divisions 4b and 4c, and in ICES subarea 7. It shall be prohibited to retain on board, tranship, relocate or land European seabass caught in that area.

³⁴ All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

³⁵ ***FR:*** more flexibility required: asks for bycatches of 3% per tide, and for management on an annual basis

UK: more flexibility on the monthly catch

BE and UK: would support higher percentage of bycatch for trawlers

³⁶ All types of seines (SSC, SDN, SPR, SV, SB and SX).

³⁷ All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS)

(d) using fixed gillnets³⁸, for unavoidable by-catches³⁹ not exceeding 1,4 tonnes per vessel per year.⁴⁰

The derogations set out in the first subparagraph⁴¹ shall apply to Union fishing vessels that have recorded catches of European seabass over the period from 1 July 2015 to 30 September 2016: in point (c) with recorded catches using hooks and lines, and in point (d) with recorded catches using fixed gillnets. In the case of a replacement of a Union fishing vessel, Member States may allow the derogation to apply to another fishing vessel provided that the number of Union fishing vessels subject to the derogation and their overall fishing capacity do not increase.

3. The catch limits set in paragraph 2 shall not be transferable between vessels and, where a monthly limit applies, from one month to another. For Union fishing vessels using more than one gear in a single calendar month, the lowest catch limit set in paragraph 2 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear not later than 15 days after the end of each month.

4. France and Spain shall ensure that fishing mortality of seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries does not exceed Fmsy point value, as required by Article 4(3) of Regulation (EU) 2019/472.⁴²

5. In recreational fisheries⁴³, including from shore, in ICES divisions 4b, 4c, 6a, 7a to 7k:

(a) from 1 January to 31 March and from 1 November and to 31 December 2020, only catch-and-release fishing with a rod or a handline for European seabass shall be allowed. During that period, it shall be prohibited to retain, relocate, tranship or land European seabass caught in that area⁴⁴;

(b) from 1 April to 31 October 2020, not more than one specimen of European seabass may be caught and retained per fisherman per day. This provision shall not apply to fixed nets, which shall not retain European seabass during that period. The minimum size of European seabass retained shall be 42 cm.⁴⁵

³⁸ All fixed gillnets and traps (GTR, GNS, FYK, FPN and FIX).

³⁹ ***UK: delete "for unavoidable by-catches"***

⁴⁰ ***NL: add the code GNC to the list of fixed nets.***

⁴¹ ***UK: add " The derogations set out in the first subparagraph at points (c) and (d) shall apply [...]"***

⁴² ***NL: asks COM to explain on the basis of which elements in the MAP the competence is based.***

⁴³ ***NL: redrafting of para 5 is needed as current drafting means that no restrictions apply to fishing with other gears rod or handline and therefore catching without release or fishing without a bag limit would be permitted. Also, as regards minimum size, it should be specified what needs to be done with undersized seabass.***

⁴⁴ ***NL: amend the second sentence as follows: "[...] prohibited to retain or to retain on board [...]."***

⁴⁵ ***NL: asks to clarify wording in 5(b) and 6 as it allows for several interpretations***

6. In recreational fisheries in ICES divisions 8a and 8b, a maximum of three specimens of European seabass may be caught and retained per fisherman per day. This provision shall not apply to fixed nets, which shall not retain European seabass during that period. The minimum size of European seabass retained shall be 42 cm⁴⁶.

7. Paragraphs 5 and 6 are without prejudice to more stringent national measures on recreational fisheries.

Article 11

Measures on European eel fisheries in Union waters of the ICES area⁴⁷

Any targeted, incidental and recreational fishery of European eel shall be prohibited in Union waters of the ICES area and brackish waters such as estuaries, coastal lagoons and transitional waters for a consecutive three-month period to be determined by each Member State concerned between 1 August 2020 and 28 February 2021. Member States shall communicate the determined period to the Commission not later than 1 June 2020.

Article 12

Special provisions on allocations of fishing opportunities

1. The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:

- (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
- (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- (c) reallocations made pursuant to Articles 12 and 47 of Council Regulation (EU) 2017/2403;
- (d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
- (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
- (f) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
- (g) quota transfers and exchanges pursuant to Article 17 of this Regulation.

⁴⁶ *FR: regarding fixed nets, wonders about the relevance of a such provision as it will not lead to a reduction in fishing mortality.*

⁴⁷ *DK, EE, LT: support COM proposal. EE: same measures should be taken in all sea basins and for all stages of European eel.*

2. Stocks which are subject to precautionary or analytical TACs are identified in Annex I to this Regulation for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96.

3. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.

4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 13

Remedial measures for cod and whiting in the Celtic Sea⁴⁸

1. The following measures shall apply to Union vessels fishing with bottom trawls and seines⁴⁹ in ICES divisions from 7f to 7k and in the area west of 5°W longitude in ICES division 7e:

(a) From 1 February 2020 to 15 March 2020, those vessels shall be prohibited from fishing in that area;⁵⁰

(b) Union vessels allocated fishing opportunities for cod in that area shall either be subject to at least 20 % observer coverage at sea or shall have operating CCTV monitoring systems in line with the provisions specified in Article 23(5) of Regulation 2019/1241.

2. The measures in paragraph 1 shall not apply to Union vessels falling under one of the following categories:

(a) whose catches constitute of at least 55% of whiting;

(b) whose catches constitute of at least 55% of anglerfish, hake or megrim combined,

⁴⁸

DK: in favour of CCTV.

FR: According to Art. 8 of MAP, ICES advice rule is not legally binding. Delegated Acts should be considered to adopt technical measures. Cannot support the closure mentioned in para 1a. On para 1b, FR doubts on legal, operational and financial implementation, and not possible to have 20% observer coverage.
BE, FR, IE, IT, LT: concerned by inclusion of CCTV and control measures in TQR, should be dealt with in control regulation revision.

SE: cross-cutting issue. For cod in Kattegat, need for additional measures given the state of the stock. Also, some gears have low bycatch levels of cod, so possible to decouple catches. Consider what to include in the regulation and what can be done via regionalisation.

ES: still analysing, national measures for ES fleets foreseen for second half of 2020.

UK: concerned about the impact of these technical measures (e.g. use of a 120mm mesh instead of 110m with a square mesh panel will result in the loss of valuable species making some fishing businesses. uneconomic). Asks COM to agree to the alternative recovery measures proposed by the UK.

⁴⁹

Gear codes: OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX.

(c) Union vessels using a minimum cod-end mesh size of 120mm in conjunction with fishing gear that is constructed with a minimum of 1 meter spacing between the fishing line and ground gear;

(d) Union vessels carrying on board only one regulated highly selective gear, the technical attributes of which result, according to a scientific study evaluated by the STECF, in catching less than 1% of cod.

3. Union vessels fishing with bottom trawls and seines in ICES divisions 7f – 7k and in the area west of 5°W longitude in ICES division 7e whose catches constitute of at least 55% of whiting or 55% of anglerfish, hake or megrim combined shall use a minimum cod end mesh size of at least 100mm.

4. This Article shall not apply to Union vessels whose catches consist of at least 30% of Norway lobster.

Article 14
Prohibited species⁵¹

1. It shall be prohibited for Union fishing vessels to fish for, to retain on board, to tranship or to land the following species:

(a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;

(b) leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;

(c) Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;

(d) kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;

(e) birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;

⁵¹ *FR: supports this article.*

UK: the list omits a number of species which are on the current list of prohibited species (cf. doc. 14471/19 ADD5 for the missing species).

- (f) common skate (*Dipturus batis*) complex (*Dipturus cf. flossada* and *Dipturus cf. intermedia*) in Union waters of ICES division 2a and ICES subareas 3, 4, 6, 7, 8, 9 and 10;
- (g) great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- (h) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- (i) porbeagle (*Lamna nasus*) in all waters;
- (j) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
- (k) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
- (l) whale shark (*Rhincodon typus*) in all waters;
- (m) Common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
- (n) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10, with the exception of avoidance programmes as set out in Annex IA.

2. When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

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.

Chapter II

Fishing authorisations in third-country waters

Article 16

Fishing authorisations

1. The maximum number of fishing authorisations for Union fishing vessels fishing in waters of a third country is set out in Annex III.

2. Where one Member State transfers quota to another Member State ('swap') in the fishing areas set out in Annex III to this Regulation on the basis of Article 16(8) of Regulation (EU) No 1380/2013, the transfer shall include an appropriate transfer of fishing authorisations and shall be notified to the Commission. However, the total number of fishing authorisations for each fishing area, as set out in Annex III to this Regulation, shall not be exceeded.

Chapter III

Fishing opportunities in waters of regional fisheries management organisations

SECTION 1

GENERAL PROVISIONS

Article 17

Quota transfers and exchanges

1. Where, under the rules of a regional fisheries management organisation ('RFMO'), quota transfers or exchanges between the Contracting Parties to the RFMO are permitted, a Member State ('the Member State concerned') may discuss with a Contracting Party to the RFMO and, as appropriate, establish a possible outline of an intended quota transfer or exchange.
2. Upon notification to the Commission by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange that the Member State has discussed with the relevant Contracting Party to the RFMO. Thereupon, the Commission shall express, without undue delay, the consent to be bound by such quota transfer or exchange with the relevant Contracting Party to the RFMO. The Commission shall notify the secretariat of the RFMO of the agreed quota transfer or exchange in accordance with the rules of that organisation.
3. The Commission shall inform the Member States of the agreed quota transfer or exchange.
4. The fishing opportunities received from or transferred to the relevant Contracting Party to the RFMO under the quota transfer or exchange shall be deemed to be quotas allocated to, or deducted from, the allocation of the Member State concerned, as of the moment that the quota transfer or exchange takes effect in accordance with the terms of the agreement reached with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such allocation shall not change the existing distribution key for the purpose of allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.
5. This Article shall apply until 31 January 2021 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

SECTION 2
ICCAT CONVENTION AREA

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 520/2007 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.

Article 19
Recreational fisheries

Where appropriate, Member States shall allocate a specific share for recreational fisheries from their allocated quotas as set out in Annex ID.

Article 20
Sharks

1. Retaining on board, transshipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery shall be prohibited.
2. It shall be prohibited to undertake a directed fishery for species of thresher sharks of the *Alopias* genus.
3. Retaining on board, transshipping or landing any part or whole carcass of hammerhead sharks of the Sphyrnidae family (except for the *Sphyrna tiburo*) caught in fisheries in the ICCAT Convention Area shall be prohibited.
4. Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery shall be prohibited.
5. Retaining on board silky sharks (*Carcharhinus falciformis*) caught in any fishery shall be prohibited.

SECTION 3
CCAMLR CONVENTION AREA

Article 21

Exploratory fisheries notifications

1. If a Member State intends to participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2020, it shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 no later than on 1 June 2020.

Article 22

Limits on the exploratory fisheries for toothfish

1. Fishing for toothfish during the 2019/2020 fishing season shall be limited to the Member States, subareas and number of vessels set out in Part A of Annex V for the species, TACs and by-catch limits set out in Part B of Annex V.

2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.

3. Where applicable, fishing in any Small Scale Research Unit (SSRU) shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the season.

4. Fishing shall take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and fishing effort. However, fishing in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a, where permitted in accordance with paragraph 1 of this Article, shall be prohibited in depths less than 550 metres.

Article 23
Krill fishery during the 2020/2021 fishing season

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 2020, of its intention to fish for krill, using the format laid down in Part C of Annex V 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 2020.
2. The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each vessel to be authorised by the Member State to participate in the krill fishery.
3. A Member State intending to fish for krill in the CCAMLR Convention Area shall notify its intention to do so only in respect of authorised vessels either flying its flag at the time of the notification or flying the flag of another CCAMLR member that are expected, at the time the fishery takes place, to be flying the flag of that Member State.
4. Member States shall be entitled to authorise participation in a krill fishery by vessels other than those notified to CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 of this Article, if an authorised vessel is prevented from participation due to legitimate operational reasons or force majeure. In such circumstances the Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:
 - (a) full details of the intended replacement vessel(s), including information provided for in Article 3 of Regulation (EC) No 601/2004;
 - (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
5. Member States shall not authorise a vessel on any CCAMLR illegal, unreported and unregulated (IUU) Vessel List to participate in krill fisheries.”

SECTION 4 IOTC AREA OF COMPETENCE

Article 24 Limitation of fishing capacity of vessels fishing in the IOTC Area of Competence

1. The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VI.
2. The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VI.
3. Member States may reallocate vessels assigned to one of the two fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that this change does not lead to an increase of fishing effort on the fish stocks involved.
4. Member States shall ensure that, where there is a proposed transfer of capacity to their fleet, vessels to be transferred are on the IOTC Record of Vessels or on the record of vessels of other tuna RFMOs. Furthermore, no vessels featuring on the list of vessels engaged in IUU fishing activities of any RFMO may be transferred.
5. Member States may only increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 within the limits set out in the development plans submitted to the IOTC.

Article 25
Drifting FADs and supply vessels

1. A purse seine vessel shall not deploy more than 300 active drifting FADs at any time.
2. The number of supply vessels shall be no more than two supply vessel in support of not less than five purse seine vessels, all flying the flag of the same Member State. This provision shall not apply to Member States using only one supply vessel.
3. A single purse seine vessel shall not be supported by more than one single supply vessel of the same flag State at any time.
4. The Union shall not register new or additional supply vessels in the IOTC Record of Authorised Vessels.

Article 26
Sharks

1. Retaining on board, transshipping or landing any part or whole carcass of thresher sharks of all the species of the Alopiidae family in any fishery shall be prohibited.
2. Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery shall be prohibited, except for vessels under 24 metres overall length engaged solely in fishing operations within the Exclusive Economic Zone (EEZ) of the Member State whose flag they fly, and provided that their catch is destined solely for local consumption.
3. When accidentally caught, species referred to in paragraphs 1 and 2 shall not be harmed. Specimens shall be promptly released.

SECTION 5
SPRFMO CONVENTION AREA

Article 27
Pelagic fisheries

1. Only Member States having actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IJ.
2. The Member States referred to in paragraph 1 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2019 to the total Union level of 78 600 gross tonnage in that area.”.
3. The fishing opportunities set out in Annex IJ may only be used under the condition that Member States send to the Commission the list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention Area, records from vessel monitoring systems, monthly catch reports and, where available, port calls, at the latest by the fifth day of the following month, with the aim of communicating that information to the SPRFMO Secretariat.

Article 27a
Mobulid rays

1. It shall be prohibited for Union fishing vessels to fish for, to retain on board, to tranship, to land, to store, to offer to sell or to sell, any part or whole carcass of Mobulid rays (family Mobulidae, which includes the genera *Manta* and *Mobula*), except for fishing vessels carrying out subsistence fishery (where the fish caught are consumed directly by the families of the fishers). By way of derogation, Mobulid rays that are unintentionally caught by artisanal fishing (fisheries other than longline or surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, hand-line and trolling vessels, and registered in the IOTC Record of Authorized Vessels) can be landed for purposes of local consumption only.

2. All fishing vessels, other than those carrying out subsistence fishery, shall promptly release alive and unharmed, to the extent practicable, Mobulid rays as soon as they are seen in the net, on the hook, or on the deck, and do it in a manner that will result in the least possible harm to the individuals captured.

Article 28
Bottom fisheries

1. Member States shall limit their bottom fishing catch or effort in 2019 in the SPRFMO Convention Area to those parts of the Convention Area where bottom fishing has occurred from 1 January 2002 to 31 December 2006 and to a level that does not exceed the annual average levels of catches or effort parameters in that period. They may fish beyond the track record only if SPRFMO endorses their plan to fish beyond the track record.

2. Member States without a track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 shall not fish, unless SPRFMO endorses their plan to fish without the track record.

Article 29
Exploratory fisheries

1. Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in the SPRFMO Convention Area in 2020 only if the SPRFMO has approved their application for such fisheries including a Fisheries Operation Plan and commitment to implement a Data Collection Plan.

2. Fishing shall take place only in the research blocks specified by SPRFMO. Fishing shall be prohibited in depths less than 750 metres and more than 2 000 metres.

3. The TAC shall be as set out in Annex IJ. Fishing shall be limited to one trip of a maximum duration of 21 consecutive days and to a maximum number of 5 000 hooks per set, with a maximum of 20 sets per research block. Fishing shall cease either when the TAC is reached or if 100 sets have been set and hauled, whichever is earlier.

SECTION 6
IATTC CONVENTION AREA

Article 30
Purse-seine fisheries

1. Fishing by purse-seine vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*) shall be prohibited:

(a) from 29 July 00:00 hours to 8 October 2019 24:00 hours or from 9 November 2019 00:00 hours to 19 January 2020 24:00 hours 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 9 October 2019 00:00 hours to 8 November 2019 24:00 hours 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 2019 the selected period of closure referred to in 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.

Article 31
Drifting FADs

1. A purse-seine vessel shall not have more than 450 FADs active at any time in the IATTC Convention Area. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall only be activated on board a purse-seine vessel.

2. A purse-seine vessel may not deploy FADs during the 15 days before the start of the selected closure period set out in Article 30(1)(a), and it shall recover the same number of FADs as initially deployed within 15 days prior to the start of the closure period.

3. Member States shall report to the Commission, on a monthly basis, daily information on all active FADs as required by the IATTC. The reports shall be submitted with a delay of at least 60 days, but not longer than 75 days. The Commission shall transmit that information to the IATTC Secretariat without delay.

Article 32
Catch limits for bigeye tuna in long-line fisheries

The total annual catches of bigeye tuna by longline vessels of each Member State in the IATTC Convention Area are established in Annex II.

Article 33
Prohibition of fishing for oceanic whitetip sharks

1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention Area, and to retain on board, to tranship, to store, to offer to sell, to sell or to land any part or whole carcass of oceanic whitetip sharks caught in that area.

2. When accidentally caught, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released by vessel operators.

3. Vessel operators shall:

- (a) record the number of releases with indication of status (dead or alive);
- (b) report the information specified in point (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January.

Article 34

Prohibition of fishing for Mobulid rays

It shall be prohibited for Union fishing vessels in the IATTC Convention Area to fish for, to retain on board, to tranship, to land, to store, to offer to sell or to sell any part or whole carcass of Mobulid rays (family Mobulidae, which includes the genera *Manta* and *Mobula*). As soon as Union fishing vessels notice that Mobulid rays have been caught, Union fishing vessels shall, wherever possible, promptly release them alive and unharmed.

SECTION 7

SEAFO CONVENTION AREA

Article 35

Prohibition of fishing for deep water sharks

Directed fishing for the following deep water sharks in the SEAFO Convention Area shall be prohibited:

- ghost catshark (*Apristurus manis*),
- blurred smooth lanternshark (*Etmopterus bigelowi*),
- shorttail lanternshark (*Etmopterus brachyurus*),
- great lanternshark (*Etmopterus princeps*),
- smooth lanternshark (*Etmopterus pusillus*),
- skates (Rajidae),
- velvet dogfish (*Scymnodon squamulosus*),
- deep-sea sharks of the Selachimorpha super-order,
- picked dogfish (*Squalus acanthias*).

SECTION 8 WCPFC CONVENTION AREA

Article 36

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

1. Member States shall ensure that the total 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.

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 of 1 July 2019 and 24:00 hours of 30 September 2019.
2. In addition to the prohibition set 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 of 1 April 2019 to 24:00 hours of 31 May 2019, or from 00:00 hours of 1 November 2019 to 24:00 hours of 31 December 2019. The choice for the additional two months shall be notified to the Commission before 31 January 2019.
3. Member States shall ensure that each of its purse-seine vessels have deployed at sea, at any time, no more than 350 FADs with activated instrumented buoys. The buoy shall be activated exclusively onboard a vessel.
4. All purse-seine vessels fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain onboard and land or tranship all bigeye, yellowfin and skipjack tuna caught.

5. Paragraph 4 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.

Article 38
Limitations to the number of Union fishing vessels
authorised to fish for swordfish

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20° S of the WCPFC Convention Area shall be as set out in Annex VII.

Article 39
Catch limits for swordfish in long-line fisheries south of 20°S

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20°S by long-liners do not exceed the limit set out in Annex IH. 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.

Article 40
Silky sharks and oceanic whitetip sharks

1. Retaining on board, transshipping, storing or landing any part or whole carcass of the following species in the WCPFC Convention Area shall be prohibited:

- (a) silky sharks (*Carcharhinus falciformis*),
- (b) oceanic whitetip sharks (*Carcharhinus longimanus*).

2. When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

Article 41

Overlap area between IATTC and WCPFC

1. Vessels listed exclusively in the WCPFC register shall apply the measures set out in this Section when fishing in the overlap area between IATTC and WCPFC as defined in point (u) of Article 4.
2. Vessels listed in both the WCPFC register and the IATTC register and vessels listed exclusively in the IATTC register shall apply the measures set out in point (a) of Article 30(1), Article 30(2), (3) and (4), and Articles 31, 32 and 33 when fishing in the overlap area between IATTC and WCPFC as defined in point (u) of Article 4.

**SECTION 9
BERING SEA**

Article 42

Prohibition on fishing in the high seas of the Bering Sea

Fishing for pollock (*Theragra chalcogramma*) in the high seas of the Bering Sea shall be prohibited.

**SECTION 10
SIOFA**

Article 43

Interim bottom fishing measures

1. Member States whose vessels have fished for more than 40 days in any given year in the SIOFA Agreement Area up to 2016 shall ensure that fishing vessels flying their flag limit their annual bottom fishing effort and/or catch to its average annual level and that fishing activities take place within the area assessed in their impact assessment submitted to SIOFA.
2. Member States whose vessels have not fished for more than 40 days in any given single year in the SIOFA Agreement Area up to 2016 shall ensure that vessels flying its flag limit their bottom fishing effort and/or catch, and spatial distribution, in accordance with their historical fishing record.

TITLE III

FISHING OPPORTUNITIES

FOR THIRD-COUNTRY VESSELS IN UNION WATERS

Article 44

*Fishing vessels flying the flag of Norway
and fishing vessels registered in the Faroe Islands*

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands shall be authorised to make catches in Union waters within the TACs set out in Annex I to this Regulation and shall be subject to the conditions provided for in this Regulation and in Title III of Regulation (EU) 2017/2403.

Article 45

Fishing vessels flying the flag of Venezuela

Fishing vessels flying the flag of Venezuela shall be subject to the conditions provided for in this Regulation and in Title III of Regulation (EU) 2017/2403.

Article 46

Fishing authorisations

The maximum number of fishing authorisations for third-country vessels fishing in Union waters shall be as set out in Annex VIII.

Article 47

Conditions for landing catches and by-catches

The conditions specified in Article 7 shall apply to catches and by-catches of third-country vessels fishing under the authorisations specified in Article 46.

Article 48

Closed fishing seasons

Third-country vessels authorised to fish for sandeel and associated by-catches in Union waters of ICES subarea 4 shall not fish for sandeel in that area with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm from 1 January to 31 March 2019 and from 1 August to 31 December 2019.

Article 49
Prohibited species

1. It shall be prohibited for third-country vessels to fish for, to retain on board, to tranship or to land the following species whenever they are found in Union waters:

- (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;
- (b) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES division 2a and ICES subareas 3, 4, 6, 7, 8, 9 and 10;
- (c) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and ICES subareas 1, 4, 5, 6, 7, 8, 12 and 14;
- (d) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and ICES subareas 1, 4 and 14;
- (e) porbeagle (*Lamna nasus*) in Union waters;
- (f) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
- (g) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6, 9 and 10;
- (h) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
- (i) whale shark (*Rhincodon typus*) in all waters;
- (j) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10.

2. When accidentally caught, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

TITLE IV FINAL PROVISIONS

Article 50 Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 51 Transitional provision

Article 10, Article 12(2), Articles 14, 20, 21, 26, 33, 34, 35, 40, 42 and 49 shall continue to apply, *mutatis mutandis*, in 2021 until the entry into force of the Regulation fixing the fishing opportunities for 2021.

Article 52 Entry into force

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 January 2020.

However, Article 9 shall apply from 1 February 2020. The provisions on fishing opportunities set out in Articles 21, 22 and 23 and Annexes IE and V for certain stocks in the CCAMLR Convention Area shall apply from 1 December 2019.

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

Done at Brussels,

*For the Council
The President*