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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	ST 12189/20 + ADD 1 + ADD 2 - COM (2020) 668
Subject:	Proposal for a Council Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters – Commission non-paper

Delegations will find attached a Commission non-paper containing updates to the above-mentioned proposal.

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COMMISSION SERVICES NON PAPER

8 December 2020

This document serves as a basis for discussion at the Working Party on Internal and External Fisheries Policy. It cannot in any circumstances be regarded as the official position of the Commission. It is intended solely for those to whom it is addressed.

Updates to Commission proposal COM(2020) 668 for a Council Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters

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1. COMMISSION PROPOSAL IN RELATION TO ICCAT

EXPLANATORY NOTE

In the context of current pandemic, the ICCAT annual meeting has been replaced by a decision-making process by correspondence which started in October and will probably end by mid-December, early January. Two issues are of particular interest: the TAC for the Eastern bluefin tuna (BFT) and a unilateral EU catch limit for the Northern shortfin mako (SMA).

The ICCAT Recommendation for a management plan for bluefin tuna only sets a TAC for 2019 and 2020. Therefore, a decision is to be taken this year, at least for 2021. Considering the decision process this year, it has been proposed to follow the scientific advice which recommends maintaining the TAC at 36 000 tons. While there seems to be a consensus on the level of TAC, there is a risk that ICCAT will not formally adopt it before the fishing opportunity Regulation is adopted at the Council in December. It is therefore suggested to include the expected TAC, with the caveat that it should be confirmed by ICCAT. This should allow Member States to prepare their fishing plans that need to be submitted to ICCAT by mid-February.

During the decision-making process, the EU has proposed new measures for the SMA, including a TAC of 500 tons. In light of the discussions it is highly unlikely that new measures, or even a reinforcement of the existing measures, will be adopted by ICCAT this year. In light of the dire situation of the stock and considering that the EU is responsible for two thirds of the catches, the lack of progress in ICCAT should not prevent taking action already at the Union level. It is therefore proposed to set a unilateral catch limitation to restrict the activity of the EU fleet. This catch limit will correspond to the EU share of the limit required by the scientific committee at ICCAT level (500t), or 288,537t. Such a unilateral catch limitation would be in line with the EU position where we advocate a TAC of 500 t (EU share of around 60%) and it would help ensure that we continue to manage sharks according to the rules of the CFP under the scope of which they clearly fall.

CHANGES TO RECITALS:

- Recitals 31-33 are replaced by the following:

Due to the COVID-19 pandemic, the ICCAT annual meeting for 2020 was replaced by a decision-making process by correspondence, which started in October 2020 and which should end in early January 2021. One of the main objectives of this correspondence was to allow the rollover of existing measures ending in 2020 with minor technical adaptations where necessary.

The current ICCAT Recommendation [19-04] for a management plan for bluefin tuna sets a TAC only for 2019 and 2020. Therefore, a decision is to be taken for 2021. Considering the decision making process this year, it has been proposed to follow the scientific advice which recommends maintaining the TAC at 36 000 tons. While there seems to be a consensus on the level of TAC, there is a risk that ICCAT would not formally adopt it before this Regulation is adopted. A provisional TAC should therefore be set, pending the confirmation of measures by ICCAT.

During the 2020 ICCAT decision-making process, the EU proposed a comprehensive plan that included a TAC with the aim to stop immediately the overfishing of Northern shortfin mako, together with a suite of flanking measures to reduce mortality further. In the absence of consensus at ICCAT and in light of the dire situation of the stock and considering that the EU is responsible for two third of the catches level, the EU should establish a unilateral catch limit for that species. This catch limit would correspond to the EU share of the limit required by the scientific committee at ICCAT level.

CHANGES TO ANNEXES:

- Annex ID is replaced by the following:

ANNEX ID

ICCAT CONVENTION AREA

Species:	Bluefin tuna <i>Thunnus thynnus</i>	Zone:	Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM)
Cyprus	169,35 ⁽⁴⁾	Analytical TAC	
Greece	314,77 ⁽⁷⁾	Article 3 of Regulation (EC) No 847/96 shall not	
Spain	6107,60 ⁽²⁾⁽⁴⁾⁽⁷⁾	apply	
France	6026,60 ⁽²⁾⁽³⁾⁽⁴⁾	Article 4 of Regulation (EC) No 847/96 shall not	
Croatia	952,53 ⁽⁶⁾	apply	
Italy	4756,49 ⁽⁴⁾⁽⁵⁾		
Malta	390,24 ⁽⁴⁾		
Portugal	574,31 ⁽⁷⁾		
Other	68,11 ⁽¹⁾		
Member States			
Union	19360 ⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾		
Special	100 ⁽⁷⁾		
additional allocation			
TAC	36000 ⁽⁸⁾		

(1) Except Cyprus, Greece, Spain, France, Croatia, Italy, Malta and Portugal, and exclusively as bycatch. Catches to be counted against this shared quota shall be reported separately (BFT/AE45WM_AMS).

- (2) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 1 of Annex VI (BFT/*8301):

Spain	925,33
France	429,87
Union	1355,20

- (3) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex VI (BFT/*641):

France	100,00
Union	100,00

- (4) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 2 of Annex VI (BFT/*8302):

Spain	122,15
France	120,53
Italy	95,13
Cyprus	3,39
Malta	7,80
Union	349,01

- (5) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI (BFT/*643):

Italy	95,13
Union	95,13

- (6) Special Condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI for farming purposes (BFT/*8303F):

Croatia 857,28

Union 857,28

- (7) Pending the decision during the 2020 ICCAT Decision making process, in 2021 the European Union will receive, in addition to the allocated quota of 19 360 tonnes, an extra allocation of 100 tonnes, exclusively for artisanal vessels from specific archipelagos in Greece (Ionian Islands), Spain (Canary Islands) and Portugal (Azores and Madeira). The specific allocation of this additional quantity to the Member States concerned shall be as follows (BFT/AVARCH):

Greece 4,5

Spain 87,3

Portugal 8,2

Union 100

- (8) Pending confirmation by ICCAT during the current 2020 decision-making process.

Species	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, North of 5° N (SWO/AN05N)
Spain	6535,59 ⁽²⁾	Analytical TAC	
Portugal	1010,39 ⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Other	139,72 ⁽¹⁾⁽²⁾		
Member States		Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	7685,7 ⁽³⁾		
TAC	13200		

- (1) Except Spain and Portugal, and exclusively as bycatch. Catches to be counted against this shared quota shall be reported separately (SWO/AN05N_AMS).

(2) Special condition: up to 2,39 % of this amount may be fished in the Atlantic Ocean, South of 5° N (SWO/*AS05N). Catches to be counted against the special condition of the shared quota shall be reported separately (SWO/*AS05N_AMS).

(3)

(3) After transfer of 40 tonnes to Saint-Pierre et Miquelon (ICCAT Rec. 17-02).

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, South of 5° N (SWO/AS05N)
Spain	4945,07 ⁽¹⁾	Analytical TAC	
Portugal	298,12 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not	
Union	5243,19	apply	
TAC	14000	Article 4 of Regulation (EC) No 847/96 shall not	
		apply	

(1) Special condition: up to 3,51 % of this amount may be fished in the Atlantic Ocean, North of 5° N (SWO/*AN05N).

Species	Swordfish <i>Xiphias gladius</i>	Zone:	Mediterranean Sea (SWO/MED)
Croatia	14,16 ⁽¹⁾	Analytical TAC	
Cyprus	52,23 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not	
Spain	1613,44 ⁽¹⁾	apply.	
France	112,45 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not	
Greece	1068,06 ⁽¹⁾	apply.	
Italy	3307,68 ⁽¹⁾		
Malta	392,41 ⁽¹⁾		
Union	6560,44 ⁽¹⁾		
TAC	8808,66		

(1) This quota may only be fished from 1 April to 31 December.

Species:	Northern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	To be established	Analytical TAC	
Spain	To be established	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	To be established		
Union	To be established ⁽¹⁾		
TAC	To be established		

(1) The number of Union fishing vessels fishing for northern albacore as a target species, in accordance with Article 12 of Regulation (EC) No 520/2007, shall be as follows:

1 253.

Species:	Southern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, south of 5° N (ALB/AS05N)
Spain	905,86	Analytical TAC	
France	297,70	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	633,94		
Union	1837,50	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	24000		

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	Atlantic Ocean (BET/ATLANT)
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Spain	To be ⁽¹⁾⁽²⁾ established	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply
France	To be ⁽¹⁾⁽²⁾ established	Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	To be ⁽¹⁾⁽²⁾ established	
Union	To be ⁽¹⁾⁽²⁾ established	
TAC	To be ⁽¹⁾⁽²⁾ established	

⁽¹⁾ Catches of bigeye tuna by purse seiners (BET/*ATLPS) and long liners with an overall length of 20 metres and above (BET/ *ATLLL) shall be reported separately.

⁽²⁾ As of June 2021, when catches reach 80 % of the quota, Member States are required to transmit the catches for these vessels on a weekly basis.

Species:	Blue marlin <i>Makaira nigricans</i>	Zone:	Atlantic Ocean (BUM/ATLANT)
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Spain	To be established	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply
France	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	To be established	
Union	To be ⁽¹⁾ established	
TAC	To be established	

⁽¹⁾ After transfer of 2 tonnes to Trinidad & Tobago (ICCAT Rec. 19-05).

Species:	White marlin <i>Tetrapturus albidus</i>	Zone:	Atlantic Ocean (WHM/ATLANT)
Spain	To be established	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	To be established		

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	Atlantic Ocean (YFT/ATLANT)
TAC	To be ⁽¹⁾ established	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ Catches of yellowfin tuna by purse seiners (YFT/*ATLPS) and long liners with an overall length of 20 metres and above (YFT/ *ATLLL) shall be reported separately.

Species:	Sailfish <i>Istiophorus albicans</i>	Zone:	Atlantic Ocean, east of 45°W (SAI/AE45W)
TAC	1271	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

Species:	Sailfish <i>Istiophorus albicans</i>	Zone:	Atlantic Ocean, west of 45°W (SAI/AW45W)
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TAC	1030	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
		Article 4 of Regulation (EC) No 847/96 shall not apply

Species:	Blue shark <i>Prionace glauca</i>	Zone:	Atlantic Ocean, north of 5° N (BSH/AN05N)
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Ireland	1	Analytical TAC
Spain	27062	Article 3 of Regulation (EC) No 847/96 shall not apply
France	152	Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	5363 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	32578	
TAC	39102	

- (1) The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

Species:	Blue shark <i>Prionace glauca</i>	Zone:	Atlantic Ocean, south of 5° N (BSH/AS05N)
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TAC	28923 ⁽¹⁾	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
		Article 4 of Regulation (EC) No 847/96 shall not apply

- (1) The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

Catches of shortfin mako by Union vessels shall not exceed the catch limits set out in this Annex.

Species:	Shortfin mako <i>Thunnus albacares</i>	Zone: Atlantic Ocean, north of 5° N (SMA/AN05N)
Union	288,537 ⁽¹⁾⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	Not relevant	Article 4 of Regulation (EC) No 847/96 shall not apply
	(1)	Only fish already dead when brought alongside the vessel can be retained on-board under this catch limit, and
	(2)	Only vessels with either an observer or a functioning electronic monitoring system on board, which can identify whether the fish is dead or alive, can retain on-board shortfin mako.

”

- Annex VI is replaced by the following:

ANNEX VI

ICCAT CONVENTION AREA¹

- Maximum 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

¹ The numbers shown in points 1, 2 and 3 may decrease in order to comply with international obligations of the Union.

Spain	60
France	55
Union	115

2. Maximum 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

Spain	364
France	140 ²
Italy	30
Cyprus	20
Malta	54 ²
Union	684

3. Maximum number of Union fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Adriatic Sea for farming purposes

Croatia	18
Italy	12
Union	28

4. Maximum number of fishing vessels of each Member State that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean

Table A²

	Number of fishing vessels							
	Cyprus	Greece	Croatia	Italy	France	Spain	Malta	Portugal
Purse seine vessels	1	0	18	21	22	6	2	0
Longliners	27	0	0	40	23	48	62	0

² The numbers in table A should be adapted in light of fishing plans submitted by Member states by 31 January 2021.

	Number of fishing vessels							
	Cyprus	Greece	Croatia	Italy	France	Spain	Malta	Portugal
Baitboat	0	0	0	0	8	68	0	76
Handline	0	0	12	0	47	1	0	0
Trawler	0	0	0	0	57	0	0	0
Small-scale	0	32	0	0	140	620	52	0
Other artisanal	0	61	0	0	0	0	0	0

5. Maximum number of traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery authorised by each Member State³

Member State	Number of traps
Spain	5
Italy	6
Portugal	2

6. Maximum bluefin tuna farming capacity and fattening capacity for each Member State and maximum input of wild caught bluefin tuna that each Member State may allocate to its farms in the eastern Atlantic and Mediterranean

Table A

Maximum tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Spain	10	11852
Italy	13	12600
Greece	2	2100
Cyprus	3	3000
Croatia	7	7880
Malta	6	12300

³ The numbers in section 5 must be adapted in light of fishing plans submitted by Member states by 31 January 2021 for endorsement by Panel 2 of ICCAT.

Table B⁴

Maximum input of wild caught bluefin tuna (in tonnes)	
Spain	6300
Italy	3764
Greece	785
Cyprus	2195
Croatia	2947
Malta	8786
Portugal	350

7. The distribution between the Member States of the maximum number of fishing vessels flying the flag of a Member State authorised to fish for northern albacore as a target species in accordance with Article 12 of Regulation (EC) No 520/2007 shall be as follows:

Member State	Maximum number of vessels
Ireland	50
Spain	730
France	151
Portugal	310

8. Maximum number of Union fishing vessels of at least 20 meters length that fish for bigeye tuna in the ICCAT Convention Area shall be as follows:

Member State	Maximum number of vessels with purse seines	Maximum number of vessels with longlines
Spain	23	190
France	11	
Portugal		79

⁴ The total farming capacity of Portugal of 500 tonnes (corresponding to 350 tonnes of input farming capacity) is covered by the unused capacity of the Union set out in table A.

Union	34	269
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