



Brussels, 4.12.2020
COM(2020) 792 final

2020/0351 (NLE)

Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

As every year, the Council in October set a preliminary TAC for the Norway pout fishery which begins on 1 November. This year, however, the preliminary TAC only covers the period 1 November 2020 to 31 December 2020 pending the outcome of consultations with non-EU countries. Recent information indicates that the TAC level set is insufficient and should therefore be adjusted.

- **Consistency with existing policy provisions in the policy area**

The proposal establishes quotas at the levels consistent with the objectives of Regulation (EU) No 1380/2013.

- **Consistency with other Union policies**

The proposed measures are in accordance with the objectives and rules of the Common Fisheries Policy and are consistent with the Union's policy on sustainable development.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the Union's exclusive competence as referred to in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle for the following reasons.

The Common Fisheries Policy is a common policy. According to Article 43(3) TFEU it is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities.

- **Choice of instrument**

Proposed instrument: Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

The Proposal takes into account the feedback from the stakeholders, Advisory Councils, the national administrations, fishermen organisations and non-governmental organisations.

- **Collection and use of expertise**

The Proposal is based on the scientific advice of the International Council for the Exploration of the Sea (ICES).

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the Treaty.

- **Regulatory fitness and simplification**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposal has no implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The monitoring of the use of fishing opportunities in the form of TACs and quotas was established by Council Regulation (EC) No 1224/2009.

- **Detailed explanation of the specific provision of the proposal**

The proposed amendment seeks to modify Council Regulation (EU) 2020/123 in order to adjust the preliminary TAC set via Regulation (EU) 2020/1579 for Norway pout for the period covering 1 November 2020 to 31 December 2020.

The TAC for Norway pout is set in the fishing opportunities regulation covering the Atlantic and the North Sea. However, as the fishery runs from 1 November to 31 October of the following year, for reasons of timing a preliminary TAC is set by the regulation fixing fishing opportunities for the Baltic Sea which is adopted in October. The TAC is subsequently adjusted when the fishing opportunities regulation covering the Atlantic and the North Sea is adopted, which also allows to integrate the possible elements resulting from the EU consultations with Norway.

A preliminary TAC for Norway pout was hence set in Council Regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in other waters. Based on the latest best available scientific advice by the International Council for the Exploration of the Sea (ICES), the Union TAC for Norway pout for 12 months would be in the range of 140.000 tonnes. This year however, the preliminary TAC for Norway pout was set at 30.000 tonnes to cover only the period from 1 November 2020 to 31 December 2020 pending the outcome of consultations with non-EU countries.

In the meantime, however, recent information provided by Denmark, which is the almost exclusive quota shareholder in the Norway pout fishery, indicates that the preliminary TAC is insufficient in view of the expected fishing activity until year-end. The main fishing season stretches from September to January depending on the years, with a peak from October to December. The latest fishing data submitted shows catches of about 3.700 tonnes in September and over 21.000 tonnes in October. Denmark expects the level of catches in November and December to be at least similar to those of October. The TAC for Norway pout fixed in Council Regulation (EU) 2020/123 should therefore be increased in order to allow the fishery to continue operating until year end while fully respecting the ICES catch advice.

- **Consultation of the United Kingdom**

As this Regulation is to be adopted during the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, the Commission will consult the United Kingdom in accordance with Article 130(1) of that Agreement.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2020/123¹ fixes for 2020 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. Amongst others, it fixed fishing opportunities until 31 October 2020 for Norway pout and associated by-catches in the waters of the International Council for the Exploration of the Sea (ICES) division 3a and Union waters of ICES division 2a and ICES subarea 4.
- (2) Council Regulation (EU) 2020/1579², amongst others, amended Regulation (EU) 2020/123 to set preliminary fishing opportunities covering the period from 1 November 2020 to 31 December 2020 for the above mentioned fishery.
- (3) As those preliminary fishing opportunities cover only two months of the fishing year, they were set far below the catch advice provided by ICES.
- (4) The fishing season for Norway pout usually extends from September to January with a peak from October to December. The most recent catch data submitted to the Commission indicates that over 21.000 tonnes of Norway pout were caught in October. Extrapolating these numbers according to the historical catch patterns of the Norway pout fishery indicates that those preliminary fishing opportunities are very likely not to be sufficient to cover the fishing activity until year end. It is therefore appropriate to adjust those preliminary fishing opportunities according to the most recent estimates, while staying fully in line with the ICES advice.
- (5) Regulation (EU) 2020/123 should therefore be amended accordingly.
- (6) As those preliminary fishing opportunities cover the period until 31 December 2020, this Regulation should enter into force immediately after its publication.

¹ Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EU) 2020/123

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

Article 2

Entry into force and period of application

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

It shall apply until 31 December 2020.

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

Done at Brussels,

For the Council

The President



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ANNEX

ANNEX

to the

Proposal for a Council Regulation

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ANNEX

In Annex IA to Regulation (EU) 2020/123, the table relating to the species: ‘Norway pout and associated by-catches’ in ‘ICES zone 3a and Union waters of 2a and 4’ is replaced by the following:

” Species:	Norway pout and associated by-catches		Zone: 3a; Union waters of 2a and 4	
	<i>Trisopterus esmarkii</i>		(NOP/2A3A4.)	
Period	1/11/2019	1/11/2020	Analytical TAC	
	31/10/2020	31/12/2020		
Denmark	72 433 (*) (**)	49 953 (*) (*****)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Germany	14 (*) (**)(**)	10 (*) (**)(*****)	Article 4 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	53 (*) (**)(**)	37 (*) (**)(*****)		
Union	72 500 (*) (**)	50 000 (*) (*****)		
Norway	14 500 (****)	pm		
Faroe Islands	5 000 (****)	pm		
TAC	Not relevant	Not relevant		
<p>(*) Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9% of the quota.</p> <p>(**) Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.</p> <p>(***) Union quota may only be fished from 1 November 2019 to 31 October 2020.</p> <p>(****) A sorting grid shall be used.</p> <p>(*****) A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.</p> <p>(*****) Union quota may be fished from 1 November 2020 to 31 December 2020.”</p>				