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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: 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

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**COUNCIL REGULATION (EU) 2021/...**

**of ...**

**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**

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 Council<sup>1</sup> 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.
- (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. Pursuant to Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the Common Fisheries Policy (CFP) set out in Article 2(2) of that Regulation. Pursuant to Article 16(1) of that Regulation, fishing opportunities allocated to Member States are to ensure relative stability of fishing activities of each Member State for each fish stock or fishery.

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<sup>1</sup> 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).

- (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) Pursuant to Article 15 of Regulation (EU) No 1380/2013, the landing obligation applies fully from 1 January 2019 and all species subject to catch limits are to be landed. Article 16(2) of Regulation (EU) No 1380/2013 provides that, when the landing obligation in respect of a fish stock is introduced, 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.
- (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 quantities that, by way of exception from the landing obligation, may continue to be discarded 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 TACs for those stocks are established at the level indicated in the scientific advice, the obligation to land all catches, including by-catches from those stocks, in mixed fisheries 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 (MSY) at the same time, it is appropriate to establish specific TACs for by-catches for those stocks. The level of those TACs should be such that mortality for those stocks is decreased and that it provides incentives for improvements in selectivity and avoidance.
- (8) 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.
- (9) In order to reduce catches of the stocks for which by-catch TACs are established, fishing opportunities for the fisheries in which fish from those stocks is caught should be fixed 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.

- (10) In accordance with the Western Waters multiannual plan established by Regulation (EU) 2019/472 of the European Parliament and of the Council<sup>1</sup> ('the Western Waters multiannual plan'), the target fishing mortality, in line with the ranges of  $F_{MSY}$  defined in Article 2 of that Regulation, was to be achieved as soon as possible, and on a progressive and incremental basis by 2020 for the stocks listed in Article 1(1) of that Regulation and is to be maintained thereafter within the ranges of  $F_{MSY}$ , in accordance with Article 4 of that Regulation. The overall fishing mortality for European seabass (*Dicentrarchus labrax*) in ICES divisions 8a and 8b should therefore be set in line with  $MSY$ , taking into account commercial and recreational catches and including discards (3 108 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) and (4) of Regulation (EU) 2019/472.

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<sup>1</sup> 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 83, 25.3.2019, p. 1).

- (11) 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 bag limits should be continued. Considering the lack of sufficient selectivity and that higher number of specimens are likely to be caught than the established limits, fixed nets should be excluded. Having considered environmental, social and economic circumstances, and especially the dependency of commercial fishermen on those stocks in coastal communities, those measures for European seabass would strike an appropriate balance between the interests of commercial and recreational fishermen. In particular, those measures would allow recreational fishermen to exercise their fishing activities by taking into account their impact on those stocks.
- (12) As regards the European eel (*Anguilla anguilla*) stock, ICES has advised that all anthropogenic mortalities, including those due to 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. 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<sup>1</sup> 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 2021 and 28 February 2022.

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<sup>1</sup> Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

- (13) 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 fishing of those species in the areas concerned.
- (14) 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.

- (15) The North Sea multiannual plan was established by Regulation (EU) 2018/973 of the European Parliament and of the Council<sup>1</sup> and entered into force in 2018. The Western Waters multiannual plan entered into force in 2019. Fishing opportunities for stocks listed in Article 1 of those plans should be fixed in accordance with targets (ranges of  $F_{MSY}$ ) and safeguards provided for in those plans. The ranges of  $F_{MSY}$  have been identified in the relevant ICES advice. Where no adequate scientific information is available, fishing opportunities for by-catch stocks should be fixed in accordance with the precautionary approach, as set out in those multiannual plans.
- (16) In accordance with Article 8 of the Western Waters multiannual plan, where 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 limit reference point ( $B_{lim}$ ), further remedial measures are to 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 or other stocks in the fisheries.

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<sup>1</sup> 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).

- (17) The TACs for bluefin tuna in the eastern Atlantic and Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council<sup>1</sup>.
- (18) On 17 December 2018 ICES 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 those 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  $B_{lim}$ . 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 2021 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 point (8) of Article 4(1) 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.

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<sup>1</sup> 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).

- (20) Council Regulation (EC) No 847/96<sup>1</sup> 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 establishing 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 decided 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.
- (21) Moreover, given that the biomass of the stocks of COD/03AS, COD/5BE6A, WHG/56-14, WHG/07A and PLE/7HJK is below  $B_{lim}$  and that only by-catch and scientific fisheries are permitted in 2021, Belgium, Denmark, France, Germany, Ireland, the Netherlands and Sweden have undertaken not to apply Article 15(9) of Regulation (EU) No 1380/2013 in respect of those stocks for transfers from 2020 to 2021 so that catches in 2021 will not exceed the TAC established for those stocks.

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<sup>1</sup> 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).

- (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 determining 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 2021 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.
- (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 to that 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<sup>1</sup>, 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 2021, it is appropriate to establish the TAC and quotas for that stock provisionally at zero until such advice is released.
- (29) The Union TAC for Greenland Halibut in international waters of ICES subareas 1 and 2 is without prejudice to the Union's position on the appropriate Union share in this fishery.

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<sup>1</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (30) At its annual meeting in 2020, the North-East Atlantic Fisheries Commission (NEAFC) adopted a conservation measure for the two redfish stocks in the Irminger Sea and adjacent waters, prohibiting directed fisheries of those stocks. In addition, it prohibited fishing activities in the area where redfish aggregates in order to minimise by-catches. That NEAFC measure, based on the ICES advice for zero catches, should be implemented in Union law. The NEAFC was not able to adopt a recommendation for redfish in ICES subareas 1 and 2. For that stock, the relevant TAC should be established in line with the Union position expressed within the NEAFC.
- (31) Due to the COVID-19 pandemic, the International Commission for the Conservation of Atlantic Tunas (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 that decision-making process was to allow the rollover of existing measures ending in 2020 with minor technical adaptations where necessary.
- (32) ICCAT Recommendation 19-04 for a management plan for bluefin tuna establishes a TAC only for 2019 and 2020. Therefore, a decision is still to be taken by ICCAT on the TAC level for 2021. Considering the decision-making process in 2020, it has been proposed to follow the scientific advice, which recommends that the TAC be maintained at 36 000 tonnes. While there seems to be a consensus on the level of TAC, there is a risk that ICCAT will not formally adopt it before this Regulation is adopted. The TAC should therefore be established at that level, but should be revised as soon as possible if ICCAT adopts a different TAC.

- (33) During the 2020 ICCAT decision-making process, the Union proposed a comprehensive plan that included a TAC with the aim of stopping immediately the overfishing of shortfin mako in the Northern Atlantic, together with a series of flanking measures to reduce its mortality further. In the absence of consensus within ICCAT, and in light of the dire situation of that stock and considering that the Union is responsible for two thirds of the catch level, the Union should establish a unilateral catch limit for that species. That catch limit would correspond to the Union share of the limit as required by the scientific committee at ICCAT level.
- (34) ICCAT Recommendation 17-04 on a harvest control rule (HCR) for North Atlantic albacore only establishes a TAC for the period 2018–2020. Therefore, a decision is still to be taken by ICCAT on the TAC level for 2021. Considering the decision-making process in 2020, it has been proposed to follow the scientific advice, which recommends that the new TAC be established on the basis of the current interim HCR and that a pro-rata increase in the catch and other limits be implemented for one year only. While there seems to be a consensus on the level of TAC, there is a risk that ICCAT will not formally adopt it before this Regulation is adopted. The TAC should therefore be established at that level, but should be revised as soon as possible if ICCAT adopts a different TAC.
- (35) Considering the decision-making process in 2020, ICCAT has not yet formally adopted the TACs for bigeye tuna, yellowfin tuna, blue marlin, and white marlin. While there seems to be a consensus on the level of the TACs, there is a risk that ICCAT will not formally adopt them before this Regulation is adopted. The TACs should therefore be established at that level, but should be revised as soon as possible if ICCAT adopts different TACs.

- (36) At its annual meeting in 2020, 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 2020 to 30 November 2021. The uptake of the quotas during 2020 should be considered when fixing fishing opportunities for 2021.
- (37) At its annual meeting in 2020, the Indian Ocean Tuna Commission (IOTC) maintained the previously adopted conservation and management measures. Those measures should continue to be implemented in Union law.
- (38) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 21 January to 1 February 2021. The current measures in the SPRFMO Convention Area should be provisionally maintained until such annual meeting is held.
- (39) At its annual meeting in 2020, the Inter-American Tropical Tuna Commission (IATTC) did not reach consensus on the extension of the most recent tropical tuna measure, which expired on 31 December 2020. As a result, the tropical tuna fishery in the Eastern Pacific Ocean will not be regulated as from 1 January 2021. In view of the precautionary principle of the CFP, it is appropriate that the Union continue to apply provisions on tropical tuna as set out in Council Regulation (EU) 2020/123<sup>1</sup> until a new tropical tuna measure is agreed by IATTC.

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<sup>1</sup> 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).

- (40) At its annual meeting in 2020, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for the southern bluefin tuna for 2021 adopted at the annual meeting in 2016. Those measures should be implemented in Union law.
- (41) At its annual meeting in 2020, the South East Atlantic Fisheries Organisation (SEAFO) decided to apply in 2021 the 2020 TACs for the main species under its purview until its next annual meeting in 2021. Those measures should be implemented in Union law.
- (42) At its annual meeting in 2020, the Western and Central Pacific Fisheries Commission (WCPFC) extended the conservation and management measures for tropical tunas. It also clarified the catch limits applicable to Union longliners fishing for bigeye tuna. Those measures should be implemented in Union law.
- (43) At its 42nd annual meeting in 2020, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2021 for certain stocks in subareas 1 to 4 of the NAFO Convention Area. Those measures should be implemented in the Union law.
- (44) The 7th Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) in 2020 maintained the TACs adopted in 2019 for the stocks under the scope of the Agreement. Those measures should be implemented in Union law.

- (45) As regards the fishing opportunities for snow crab around the area of Svalbard, the Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) ('the 1920 Treaty of Paris') 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 that 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 2021. It is recalled that in the Union primary responsibility for ensuring compliance with applicable law lies with the flag Member States.
- (46) In accordance with the Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana<sup>1</sup> issued by the Union, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.

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<sup>1</sup> Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

- (47) 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 2021 and the date of entry into force of the Regulation fixing the fishing opportunities for 2022, the provisions concerning prohibitions and closed seasons set out in this Regulation should continue to apply at the beginning of 2022, until the entry into force of the Regulation fixing the fishing opportunities for 2022.
- (48) 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 Council<sup>1</sup>.
- (49) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the granting of additional days at sea for permanent cessation of fishing activities and for enhanced scientific observer coverage , and as regards the establishment of spreadsheet formats 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.

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<sup>1</sup> 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).

- (50) 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 2021, except for the provisions concerning fishing effort limits, which should apply from 1 February 2021, 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.
- (51) 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 2020, 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.

- (52) Due to the withdrawal of the United Kingdom from the Union, a large number of stocks are becoming shared stocks. The Commission will undertake bilateral consultations with the United Kingdom, bilateral consultations with Norway and trilateral consultations with the United Kingdom and Norway on the basis of the draft Union position to be endorsed by the Council. As those consultations have not yet been concluded, the Council should, in a manner that fully respects the United Nations Convention on the Law of the Sea (UNCLOS) and the rights and obligations of the coastal States as well as their sovereignty and jurisdiction, establish provisional TACs to be fished in Union and international waters, and waters to which the Union vessels are granted access by third countries.

(53) The provisional TACs should aim to ensure the continuation of sustainable Union fishing activities until those consultations are concluded in compliance with the Union legal framework and international obligations or, if they cannot be concluded successfully, until the Council establishes unilateral Union TACs in 2021. Those provisional fishing opportunities should in no circumstances impede the fixing definitive fishing opportunities in accordance with international agreements, in particular the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part<sup>1</sup>, which applies provisionally from 1 January 2021<sup>2</sup>, and the outcome of consultations, the Union legal framework and the scientific advice. As a general approach, they should correspond to 25 % of the Union share of the fishing opportunities fixed for 2020. The Union share of those fishing opportunities was calculated according to the principle of relative stability and the 'Hague Preferences'. This approach is without prejudice to an approach that may be taken in the future international agreements. In a very limited number of cases, a different percentage should be used where the stocks are predominantly fished in the beginning of the year or scientific advice requires severe reductions in fishing opportunities. The Union has consulted the relevant third countries on the approach for establishing provisional TACs.

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<sup>1</sup> OJ L 444, 31.12.2020, p. 14.

<sup>2</sup> Council Decision (EU) 2020/2252 of 29 December 2020 on the signing, on behalf of the Union, and on provisional application of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 444, 31.12.2020, p. 2).

- (54) According to scientific advice, the spawning-stock biomass of European seabass 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  $B_{\text{trigger}}$  and just above  $B_{\text{lim}}$ . The fishing mortality due to the measures taken by the Union has decreased and is currently below  $F_{\text{MSY}}$  point value. However, recruitment is low, fluctuating without trend since 2008. Therefore, the catch limits should be provisionally continued pending the consultations with third countries, while ensuring that the target fishing mortality for this stock does not exceed MSY. Provided that European seabass in that area is a stock shared with third countries, provisional measures should be set for the first quarter of 2021 for this stock, pending the outcome of international negotiations and consultations.

- (55) ICES advice for 2021 indicates that the stocks of cod and whiting in the Celtic Sea are below  $B_{lim}$ . Specific remedial measures were already taken for those stocks pursuant to Regulation (EU) 2020/123. The purpose of those measures was to contribute to the recovery of the stocks concerned. The measures for cod aim at improving selectivity by making the usage of gear that has lower levels of by-catches of cod mandatory in the areas where cod catches are significant, thus decreasing the fishing mortality of that stock in mixed fisheries. The measures for whiting consist of technical modifications to characteristics of gear to decrease by-catches of whiting. In accordance with Article 8 of the Western Waters multiannual plan, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that plan is below  $B_{lim}$ , further remedial measures are to be taken to ensure the 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 or other stocks in the fisheries that have by-catches of cod or whiting.
- (56) The measures to reduce bycatches of gadoids are functionally linked to the TACs of species caught in mixed fisheries together with gadoids (e.g. haddock, megrim, anglerfish and Norway lobster), as, without those measures in place, TAC levels of target species should be reduced to ensure that gadoid stocks are able to recover. It is therefore proposed that those measures also be adopted for 2021, taking into account further assessment of those measures and work undertaken by the Member States of the North Western Waters.

- (57) In line with the regionalisation process of the CFP, the Member States of the North Western Waters have submitted a joint recommendation on a broader range of specific measures to reduce bycatches of cod and whiting in the Celtic Sea and adjacent areas based on the remedial measures that were in place in 2020. Additional selectivity measures aiming to reduce gadoid bycatches in the Irish Sea and West of Scotland are also included in that joint recommendation, based on similar measures that were in place in 2020.
- (58) The STECF considers that, overall, the proposed measures are more selective or at least as selective as the technical measures in Regulation (EU) 2019/1241 of the European Parliament and of the Council<sup>1</sup>, and the Commission is currently considering including those measures in a delegated act based on the joint recommendation submitted by the Member States having a direct management interest in the North Western Waters.
- (59) As those measures are more comprehensive and will apply on a more stable basis, the functionally linked technical measures should only apply in the absence of a delegated act adopted in accordance with Article 15(2) of Regulation (EU) 2019/1241 and amending Annex VI of that Regulation by introducing corresponding technical measures for the North Western Waters.
- (60) Fishing opportunities should be used in full compliance with Union law,

HAS ADOPTED THIS REGULATION:

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<sup>1</sup> 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).

# 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 2021 and, where specified in this Regulation, for the year 2022;
  - (b) fishing effort limits for the year 2021, except the fishing effort limits set out in Annex II, which will apply from 1 February 2021 to 31 January 2022;
  - (c) fishing opportunities for the period from 1 December 2020 to 30 November 2021 for certain stocks in the CCAMLR Convention Area.

## *Article 2*

### *Scope*

1. This Regulation applies to the following vessels:
  - (a) Union fishing vessels;
  - (b) third-country vessels in Union waters.
2. This Regulation also applies to:
  - (a) recreational fisheries, where such fisheries are expressly referred to in the relevant provisions of this Regulation; and
  - (b) commercial fisheries from shore.

## *Article 3*

### *Definitions*

For the purposes of this Regulation, the definitions set out 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 from the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;
  - (ii) in all other fisheries, the quantity of fish that may 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 assessment’ means quantitative evaluation 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 point (34) of Article 6 of Regulation (EU) 2019/1241;

- (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;
- (j) ‘instrumented buoy’ means a buoy clearly marked with a unique reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position;
- (k) ‘operational buoy’ means any instrumented buoy, previously activated, switched on and deployed at sea on a drifting fish aggregating device (FAD) or log, which transmits positions and any other available information such as echo-sounder estimates.

*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 218/2009 of the European Parliament and of the Council<sup>1</sup>;

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<sup>1</sup> 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).

- (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;

(e) 'functional unit 25 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions:

- 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,
- 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 point (a) of Article 2 of Council Regulation (EC) No 601/2004<sup>1</sup>;
- (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 Council<sup>2</sup>;
- (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 Rica<sup>3</sup>;

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

- (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 Tunas<sup>1</sup>;
- (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 Commission<sup>2</sup>;
- (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 Council<sup>3</sup>;
- (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 Ocean<sup>4</sup>;

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<sup>1</sup> The Union acceded to that Convention by means of 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).

<sup>2</sup> The Union acceded to that Agreement by means of 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).

<sup>3</sup> 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).

<sup>4</sup> Concluded by means of 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).

- (r) ‘SIOFA (Southern Indian Ocean Fisheries Agreement) Agreement Area’ is the geographic area defined in the Southern Indian Ocean Fisheries Agreement<sup>1</sup>;
- (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 Ocean<sup>2</sup>;
- (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 Ocean<sup>3</sup>;
- (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 seas of the coastal States of the Bering Sea is measured;

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<sup>1</sup> The Union acceded to that Agreement by means of 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).

<sup>2</sup> The Union acceded to that Convention by means of 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).

<sup>3</sup> The Union acceded to that Convention by means of 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).

- (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.

## **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 in 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 may be authorised to fish, within the TACs set out in Annex I to this Regulation, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland, Norway, and the fishing zone around Jan Mayen, subject to the conditions set out in Article 22 of, and Part A of Annex V to, this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council<sup>1</sup> and its implementing provisions.
3. Union fishing vessels may be authorised to fish, within the TACs set out in Annex I to this Regulation, in waters falling within the fisheries jurisdiction of the United Kingdom, subject to the conditions set out in Article 22 of this Regulation and Regulation (EU) 2017/2403 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

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<sup>1</sup> 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 an analytical assessment is available, in the exploitation of the stock in line with MSY, with as high a probability as possible, or
  - (ii) if an analytical assessment is unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.

3. By 15 March 2021, 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*

### *Application of provisional TACs*

1. Where a reference is made to this paragraph in a fishing opportunities table in Annex IA or Annex IB, the fishing opportunities in that table are provisional and shall apply from 1 January to 31 March 2021. Those provisional fishing opportunities shall be without prejudice to the fixing of definitive fishing opportunities for 2021 in accordance with the outcomes of international negotiations or consultations, the scientific advice, the applicable provisions of Regulation (EU) No 1380/2013 and relevant multiannual plans.
2. Union vessels may fish for stocks in accordance with the provisional fishing opportunities referred to in paragraph 1 in Union and international waters and in waters of third countries that have granted access to their waters for Union vessels.

## *Article 8*

### *Conditions for landing catches and by-catches*

1. Catches that are not subject to the landing obligation under 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.

#### *Article 9*

#### *Quota-exchange mechanism for TACs for unavoidable by-catches with regard to the landing obligation*

1. In order to take into account the introduction of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, the quota-exchange mechanism set out in paragraphs 2 to 5 shall apply to the TACs identified in Annex IA.
2. 6 % of each quota from the provisional 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 provisional 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 2021. Member States without quota shall have exclusive access to the quota pool until 31 March 2021.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. Any unused quantities shall be returned, after 31 March 2021, to those Member States that have initially contributed to the pool for quota exchanges.

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. The quotas referred to in paragraph 4 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 quota-exchange mechanism set out in paragraphs 2–5 of this Article 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.

#### *Article 10*

#### *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 II for the management of the sole stock in ICES division 7e are set out in Annex II.

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 II, 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 that Annex. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).
3. The Commission may, by means of implementing acts, allocate a requesting Member State a maximum of three days between 1 February 2021 and 31 January 2022 additional to those referred to in point 5 of Annex II, 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 that Annex. Such an allocation shall be done on the basis of the description submitted by that Member State in accordance with point 8.3 of Annex II and following consultation with the STECF. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 58(2).

### *Article 11*

#### *Measures on European seabass fisheries*

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.

2. By way of derogation from paragraph 1, in January 2021, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h may fish for European seabass, and retain, tranship, relocate or land European seabass caught in that area with the following gear and within the following limits:
- (a) using demersal trawls<sup>1</sup>, for unavoidable by-catches not exceeding 520 kilogrammes per two months and 5 % of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip;
  - (b) using seines<sup>2</sup>, for unavoidable by-catches not exceeding 520 kilogrammes per two months and 5 % of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip;
  - (c) using hooks and lines<sup>3</sup>, not exceeding 1,43 tonnes per vessel;

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<sup>1</sup> All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

<sup>2</sup> All types of seines (SSC, SDN, SPR, SV, SB and SX).

<sup>3</sup> All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).

- (d) using fixed gillnets<sup>1</sup>, for unavoidable by-catches not exceeding 0,35 tonnes per vessel.

The derogations set out in the first subparagraph 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 out 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 out in paragraph 2 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear no later than 15 days after the end of each month.

4. France and Spain shall ensure that fishing mortality of European seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries do not exceed the  $F_{MSY}$  point value resulting in 3 108 tonnes of total catches, as required by Article 4(3) of Regulation (EU) 2019/472.

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<sup>1</sup> All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

5. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a, 7a to 7k:
- (a) from 1 January to 28 February, 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 area;
  - (b) from 1 to 31 March not more than two specimens of European seabass may be caught and retained per fisherman per day; the minimum size of European seabass retained shall be 42 cm.

Point (b) of the first subparagraph shall not apply to fixed nets, which shall not be used to catch or retain European seabass during the period referred to in that point.

6. In recreational fisheries, including from shore, in ICES divisions 8a and 8b, a maximum of two specimens of European seabass may be caught and retained per fisherman per day. This paragraph shall not apply to fixed nets, which shall not be used to catch or retain European seabass.
7. Paragraphs 5 and 6 shall be without prejudice to more stringent national measures on recreational fisheries.

## *Article 12*

### *Measures on European eel fisheries in Union waters of the ICES area*

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 2021 and 28 February 2022. Member States shall communicate the determined period to the Commission no later than 1 June 2021.

## *Article 13*

### *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 23 of this Regulation.
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 14*

##### *Closed fishing seasons for sandeels*

Commercial fishing for sandeels with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions 2a and 3a and ICES subarea 4 from 1 January to 31 March 2021.

*Article 15*

*Technical measures for cod and whiting in the Celtic Sea*

1. The following measures shall apply to Union vessels fishing with bottom trawls and seines in ICES divisions 7f and 7g, the part of ICES division 7h north of latitude 49° 30' North and the part of ICES division 7j north of latitude 49° 30' North and east of longitude 11° West:
  - (a) Union vessels fishing with bottom trawls or seines shall use gear with one of the following mesh sizes:
    - (i) 110 mm cod-end with 120 mm square-mesh panel;
    - (ii) 100 mm T90 cod-end;
    - (iii) 120 mm cod-end;
    - (iv) 100 mm cod-end with 160 mm square-mesh panel;
  - (b) in addition to measures referred to in point (a), Union vessels fishing with bottom trawls whose catches, measured before any discards, consist of at least 20 % of haddock shall use:
    - (i) a fishing gear that is constructed with a minimum of one metre spacing between the fishing line and ground gear; or
    - (ii) any means proven to be at least equally selective for avoidance of cod, according to the assessment by ICES or the STECF, and approved by the Commission.

2. Member States may exempt from the application of point (b) of paragraph 1 vessels fishing with bottom trawls whose catches, measured before any discards, consist of less than 1,5 % of cod, provided that those vessels are subject to a progressive increase of observer coverage at sea up to at least 20 % of all their fishing trips as of 1 July 2021.
3. Union vessels fishing with bottom trawls and seines in ICES divisions 7f to 7k and in the area west of 5° W longitude in ICES division 7e shall be prohibited from fishing unless they use a minimum cod-end mesh size of at least 100 mm. Nevertheless, that minimum cod-end mesh size requirement shall not apply to vessels whose by-catches of cod do not exceed 1,5 %, according to the assessment by the STECF, when fishing outside the areas referred to in paragraph 1.
4. Measures referred to in paragraph 3 shall apply to Union vessels fishing with bottom trawls and seines in ICES divisions 7b and 7c from 1 June 2021. Union vessels fishing in those areas may also use other fishing gear which, according to the assessment by the STECF, results in the same or better selectivity characteristics in mixed demersal fisheries as that of a minimum cod-end mesh size of at least 100 mm, and which has been approved by the Commission.

5. By way of derogation from paragraph 1, in ICES divisions 7f and 7g, the part of ICES division 7h north of latitude 49° 30' North and the part of ICES division 7j north of latitude 49° 30' North and east of longitude 11° West:
- (a) vessels operating with bottom trawls or seines with catches comprising more than 30 % of Norway lobster shall use one of the following gear options:
    - (i) 300 mm squared mesh panel; however, vessels below 12 metres in length overall may use a 200 mm square mesh panel;
    - (ii) Seltra panel;
    - (iii) sorting grid with a 35 mm bar spacing as referred to in Annex VI Part B of Regulation (EU) 2019/1241 or a similar Netgrid selectivity device;
    - (iv) 100 mm cod-end with a 100 mm square mesh panel;
    - (v) dual cod-end with the uppermost cod-end constructed with T90 mesh of at least 90 mm and fitted with a separation panel with a maximum mesh size of 300 mm;
  - (b) vessels operating with bottom trawls or seines with catches comprising more than 55 % of whiting or 55 % of anglerfish, hake or megrim combined, shall use one of the following gear options:
    - (i) 100 mm cod-end with a 100 mm squared mesh panel;
    - (ii) 100 mm T90 cod-end and extension.

6. In accordance with Article 15 of Regulation (EU) No 1380/2013 and Article 27(2) of Regulation (EU) 2019/1241, the catch percentages shall be calculated as the proportion by live weight of all marine biological resources landed after each fishing trip.

*Article 16*

*Technical measures in the Irish Sea*

The following measures shall apply to Union fishing vessels operating with bottom trawls or seines in ICES division 7a (Irish Sea):

- (a) vessels operating with bottom trawls or seines with a cod-end mesh size equal to or larger than 70 mm and smaller than 100 mm and with catches comprising more than 30 % of Norway lobster shall use one of the following gear options:
- (i) 300 mm square mesh panel; however, vessels below 12 metres in length overall may use a 200 mm squared mesh panel;
  - (ii) Seltra panel;
  - (iii) sorting grid with 35 mm bar spacing;
  - (iv) Centre for Environment, Fisheries and Aquaculture Science (CEFAS) netgrid;
  - (v) flip-flap trawl;

- (b) vessels equal to or greater than 12 metres in length overall operating with bottom trawls or seines with catches comprising more than 10 % of haddock, cod and skates and rays combined, shall use 120 mm cod-end;
- (c) vessels equal to or greater than 12 metres in length overall operating with bottom trawls or seines with catches comprising less than 10 % of haddock, cod and skates and rays combined shall apply a cod-end mesh size of 100 mm with a 100 mm square mesh panel.

Point (c) of the first paragraph shall not apply to vessels with catches comprising more than 30 % of Norway lobster or more than 85 % of queen scallops (*Aequipecten opercularis*).

### *Article 17*

#### *Technical measures in the West of Scotland*

The following measures shall apply to Union fishing vessels operating with bottom trawls or seines in ICES divisions 6a and 5b, within Union waters, east of 12°W (West of Scotland) in Norway lobster (*Nephrops norvegicus*) fisheries:

- (a) vessels shall use a square mesh panel (positioning retained) of at least 300 mm for vessels deploying a cod-end mesh size less than 100 mm; however, for vessels below 12 m in length overall or with engine power of 200 kW or less, the panel overall length may be 2 m and the panel 200 mm;

- (b) vessels with catches comprising more than 30 % of Norway lobster shall use a square mesh panel (positioning retained) of at least 160 mm for vessels deploying a cod-end mesh size of 100-119 mm.

*Article 18*

*Remedial measures for cod in the North Sea*

1. The closed areas to fishing, except with pelagic gear (purse seines and trawls), and the periods during which the closures apply are set out in Annex IV.
2. Vessels fishing with bottom trawls and seines with minimum mesh size of at least 70 mm in ICES divisions 4a and 4b or at least 90 mm in ICES division 3a, and longlines<sup>1</sup> shall be prohibited from fishing in Union waters of ICES division 4a, north of latitude 58° 30' 00" N and south of latitude 61° 30' 00" N and in Union waters of ICES divisions 3a.20 (Skagerrak), 4a and 4b, north of latitude 57° 00' 00" N and east of longitude 5° 00' 00" E.
3. By way of derogation from paragraph 2, fishing vessels referred to in that paragraph may fish in the areas referred to in that paragraph provided that they fulfil at least one of the following criteria:
  - (a) the percentage of cod catches does not exceed 5 % of the total catches per fishing trip; vessels with cod catches that have not exceeded 5 % of their total catches in the period 2017–2019 are presumed to comply with this criterion provided that they continue to use the same gear which they used in that period; this presumption may be rebutted;

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<sup>1</sup> Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB, SDN, SSC, SX, LL, LLS.

- (b) a regulated and highly selective bottom trawl or seine is used, resulting, according to a scientific study, in at least a 30 % reduction in cod catches compared to vessels fishing with the baseline mesh size for towed gears as specified in point 1.1 of Part B of Annex V of Regulation (EU) 2019/1241; such studies may be evaluated by the STECF; in the case of a negative evaluation by the STECF, those gears shall no longer be considered to be valid for use in the areas referred to in paragraph 2 of this Article;
- (c) for vessels operating with bottom trawls and seines with mesh sizes equal to or larger than 100 mm (TR1), the following highly selective gears are used:
  - (i) belly trawls with a minimum belly mesh size of 600 mm;
  - (ii) raised fishing line (0,6 m);
  - (iii) horizontal separating panel with large mesh escape panel;
- (d) for vessels operating with bottom trawls and seines with mesh sizes equal to or larger than 70 mm in ICES division 4a and 90 mm in ICES division 3a and less than 100 mm (TR2), the following highly selective gears are used:
  - (i) horizontal sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
  - (ii) Seltra panel with 300 mm square-mesh size;
  - (iii) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;

- (e) vessels are subject to a national cod avoidance plan to sustain cod catches in line with the fishing mortality corresponding to the fishing opportunities fixed, based on scientific advice levels, through spatial or technical measures, or a combination thereof; such plans should be assessed no later than two months following their implementation, by the STECF in the case of Member States, and by their relevant national scientific body in the case of third countries, and, where deemed necessary, further revised if such assessments consider that the objective of the national cod avoidance plan will not be met.
4. Member States shall enhance monitoring, control and surveillance of vessels referred to in paragraph 2 to control compliance with the conditions set out in points (a) to (e) of paragraph 3.
  5. The measures provided for in this Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

*Article 19*

*Remedial measures for cod in Kattegat*

1. Union vessels fishing in the Kattegat with bottom trawls (gear codes: OTB, OTT, OT, TBN, TBS, TB, TX and PTB) with minimum mesh size of 70 mm shall use one of the following selective gears:
  - (a) a sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
  - (b) a sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
  - (c) Seltra panel with 300 mm square-mesh size;
  - (d) a regulated highly selective gear, the technical attributes of which result, according to the scientific study assessed by the STECF, in catches of less than 1,5 % of cod, if it is the only gear that the vessel carries on board.
  
2. Those Union vessels participating in a project of a Member State concerned and having functioning equipment for fully documented fisheries may use a gear in accordance with Part B of Annex V of Regulation (EU) 2019/1241. Member States concerned shall communicate the list of those vessels to the Commission.

3. The measures provided for in this Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.

#### *Article 20*

##### *Prohibited species*

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 (*Raja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;
  - (b) splendid alfonsino (*Beryx splendens*) in NAFO subarea 6;
  - (c) leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and ICES subarea 4 and in Union and international waters of ICES subareas 1 and 14;
  - (d) Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and ICES subarea 4 and in Union and international waters of ICES subareas 1 and 14;
  - (e) kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and ICES subarea 4 and in Union and international waters of ICES subareas 1 and 14;

- (f) birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and ICES subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- (g) 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;
- (h) great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and ICES subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- (i) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and ICES subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- (j) porbeagle (*Lamna nasus*) in all waters;
- (k) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
- (l) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
- (m) whale shark (*Rhincodon typus*) in all waters;
- (n) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
- (o) 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 21*

##### *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 22*

##### *Fishing authorisations*

1. The maximum number of fishing authorisations for Union fishing vessels in third-country waters, where applicable, is set out in Part A of Annex V.

2. Where one Member State transfers quota to another Member State ('swap') in the fishing areas set out in Part A of Annex V to this Regulation in accordance with 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 Part A of Annex V to this Regulation, shall not be exceeded.

## **Chapter III**

### **Fishing opportunities in waters of regional fisheries management organisations**

#### **SECTION 1**

#### **GENERAL PROVISIONS**

##### *Article 23*

##### *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 2022 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

**SECTION 2**  
**NEAFC CONVENTION AREA**

*Article 24*

*Closures for redfish in the Irminger*

All fishing activities shall be prohibited in the area bounded by following coordinates measured according to the WGS84 system:

Latitude	Longitude
63°00'	- 30°00'
61°30'	- 27°35'
60°45'	- 28°45'
62°00'	- 31°35'
63°00'	- 30°00'

**SECTION 3**  
**ICCAT CONVENTION AREA**

*Article 25*

*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 VI.
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 VI.
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 VI.
4. The number of fishing vessels authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex VI.
5. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI.

6. The bluefin tuna total farming and fattening capacity, and the maximum input of wild caught bluefin tuna allocated to the farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex VI.
7. 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<sup>1</sup> shall be limited as set out in point 7 of Annex VI to this Regulation.
8. 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 VI.

#### *Article 26*

#### *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 27*

#### *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.

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<sup>1</sup> Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

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 4

### CCAMLR CONVENTION AREA

#### *Article 28*

#### *Exploratory fisheries notifications for toothfish*

Member States may participate in longline exploratory fisheries for toothfishes (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2 as well as in FAO divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2021. If a Member State intends to participate in such exploratory fisheries, it shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 no later than 1 June 2021.

*Article 29*

*Limits on exploratory fisheries for toothfish*

1. Fishing for toothfish during the 2020–2021 fishing season shall be limited to the Member States, subareas and number of vessels set out in table A of Annex VII for the species, TACs and by-catch limits set out in table B of that Annex.
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 FAO divisions 58.4.1, 58.4.2 and 58.4.3a, where permitted in accordance with Article 28, shall be prohibited in depths less than 550 metres.

*Article 30*

*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 2021, of its intention to fish for krill, using the format laid down in Part B of the Appendix to Annex VII. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2021.
2. 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 placed on any CCAMLR illegal, unreported and unregulated (IUU) fishing vessel list to participate in krill fisheries.

## SECTION 5

### IOTC AREA OF COMPETENCE

#### *Article 31*

#### *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 VIII.
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 VIII.
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 such 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 authorised vessels or on the record of vessels of other tuna RFMOs. Furthermore, no vessels placed 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 32*

*Drifting FADs and supply vessels*

1. Drifting FADs shall be equipped with instrumented buoys. The use of any other buoys, such as radio buoys, shall be prohibited.
2. A purse seine vessel shall not follow more than 300 operational buoys at any one time.
3. The maximum number of instrumented buoys that may be acquired annually for each purse seine vessel shall be 500. No purse seine vessel shall have more than 500 instrumented buoys (buoy in stock and operational buoy) at any time.
4. The maximum number of supply vessels shall be two supply vessels in support of not less than five purse seiners, all flying the flag of a Member State. This provision shall not apply to Member States using only one supply vessel.
5. A single purse seine vessel shall not be supported by more than one single supply vessel flying the flag of a Member State at any time.
6. The Union shall not register new or additional supply vessels in the IOTC record of authorised vessels.

*Article 33*

*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.

*Article 34*

*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 for sale or to sell any part or whole carcass of Mobulid rays (*Mobulidae* family which includes the genera *Manta* and *Mobula*), except for fishing vessels carrying out subsistence fishery (i.e. where the fish caught are consumed directly by the families of the fishermen).

By way of derogation from the first subparagraph, Mobulid rays that are unintentionally caught through artisanal fishing (i.e. fisheries other than longline or surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, handline and trolling vessels, and registered in the IOTC record of authorised vessels) may 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 shall do so in a manner that will result in the least possible harm to the individuals captured.

## **SECTION 6**

### **SPRFMO CONVENTION AREA**

#### *Article 35*

#### *Pelagic fisheries*

1. Only those Member States which have 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 IH.
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 2021 to the total Union level of 78 600 gross tonnage in that area.

3. The fishing opportunities set out in Annex IH 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 36*

*Bottom fisheries*

1. Member States shall limit their bottom fishing catch or effort in 2021 in the SPRFMO Convention Area to those parts of that 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 a track record.

*Article 37*  
*Exploratory fisheries*

1. Member States may participate in longline exploratory fisheries for toothfishes (*Dissostichus* spp.) in the SPRFMO Convention Area in 2021 only if the SPRFMO has approved their application for such fisheries that includes 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 IH. 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 7**  
**IATTC CONVENTION AREA**

*Article 38*  
*Purse-seine fisheries*

1. Fishing by purse seiner vessels for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*) shall be prohibited:
  - (a) from 00.00 hours on 29 July 2021 to 24.00 hours on 8 October 2021 or from 00.00 hours on 9 November 2021 to 24.00 hours on 19 January 2022 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 00.00 hours on 9 October 2021 to 24.00 hours on 8 November 2021 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 2021 the selected period of closure referred to in point (a) of 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 39*  
*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 referred to in point (a) of Article 38(1), 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 40*  
*Catch limits for bigeye tuna in longline 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 41*

*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 land, to store, to offer for sale or to sell 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 42*

*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 for sale or to sell any part or whole carcass of Mobulid rays (*Mobulidae* family which includes the genera *Manta* and *Mobula*). As soon as Union fishing vessels notice that Mobulid rays have been caught, they shall, wherever possible, promptly release them alive and unharmed.

**SECTION 8**  
**SEAFO CONVENTION AREA**

*Article 43*

*Prohibition of fishing for deep-water sharks*

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

- (a) ghost catshark (*Apristurus manis*);
- (b) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (c) shorttail lanternshark (*Etmopterus brachyurus*);
- (d) great lanternshark (*Etmopterus princeps*);
- (e) smooth lanternshark (*Etmopterus pusillus*);
- (f) skates (*Rajidae*);
- (g) velvet dogfish (*Scymnodon squamulosus*);
- (h) deep-sea sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*).

**SECTION 9**  
**WCPFC CONVENTION AREA**

*Article 44*

*Conditions for bigeye tuna, yellowfin tuna, skipjack tuna  
and South Pacific albacore fisheries*

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

*Article 45*

*Management of fishing with FADs*

1. In the part of the WCPFC Convention Area located between 20° N and 20° S, it shall be prohibited for purse seine vessels to deploy, service or set on FADs between 00.00 hours on 1 July 2021 and 24.00 hours on 30 September 2021.

2. In addition to the prohibition set out in paragraph 1, it shall be prohibited to set on FADs on the high seas of the WCPFC Convention Area, between 20° N and 20° S, for an additional two months: either from 00.00 hours on 1 April 2021 to 24.00 hours on 31 May 2021, or from 00.00 hours on 1 November 2021 to 24.00 hours on 31 December 2021.
3. Paragraph 2 shall not apply in the following cases:
  - (a) in the final set of a trip, if the vessel has insufficient well space left to accommodate all fish;
  - (b) where the fish is unfit for human consumption for reasons other than size; or
  - (c) when a serious malfunction of freezer equipment occurs.
4. Member States shall ensure that each of its purse seiners have deployed at sea, at any time, no more than 350 FADs with activated instrumented buoys. The buoy shall be activated exclusively on board a vessel.
5. All purse seiners fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna caught.

*Article 46*

*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 IX.

*Article 47*

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

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

*Article 48*

*Silky sharks and oceanic whitetip sharks*

1. Retaining on board, transshipping, landing or storing 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 49*

*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.
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 38(1), Article 38(2), (3) and (4) and Articles 39, 40 and 41 when fishing in the overlap area between IATTC and WCPFC.

**SECTION 10**

**BERING SEA**

*Article 50*

*Prohibition on fishing in the high seas of the Bering Sea*

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

**SECTION 11**  
**SIOFA AGREEMENT AREA**

*Article 51*  
*Limits to bottom fishing*

Member States shall ensure that vessels flying their flag that are fishing in the SIOFA Agreement Area:

- (a) limit their annual bottom fishing effort and catch to their average annual level for those years where their vessels were active in the SIOFA Agreement Area, over a representative period for which data declared to the Commission exists;
- (b) do not expand the spatial distribution of bottom fishing effort, excluding long-line and trap methods, beyond areas fished in recent years;
- (c) are not authorised to fish in the interim protected areas of Atlantis Bank, Coral, Fools Flat, Middle of What, Walter's Shoal, as defined in Annex IK, except with long-line and traps methods and on condition of having a scientific observer on board at all times while fishing in those areas.

**TITLE III**  
**FISHING OPPORTUNITIES**  
**FOR THIRD-COUNTRY VESSELS**  
**IN UNION WATERS**

*Article 52*

*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 may be authorised to fish 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 53*

*Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and  
licensed by a United Kingdom fisheries administration*

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and licensed by a fisheries administration of the United Kingdom may be authorised to fish 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 Regulation (EU) 2017/2403.

*Article 54*

*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 55*

*Fishing authorisations*

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

*Article 56*

*Conditions for landing catches and by-catches*

The conditions specified in Article 8 shall apply to catches and by-catches of third-country vessels fishing under the authorisations referred to in Article 55.

*Article 57*

*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 (*Raja 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 58*

##### *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 59*

##### *Transitional provision*

Articles 11, 19, 20, 27, 33, 34, 41, 42, 43, 48, 50 and 57 shall continue to apply, *mutatis mutandis*, in 2022 until the entry into force of the Regulation fixing the fishing opportunities for 2022.

Articles 15, 16 and 17 shall apply until the date on which a delegated act adopted in accordance with Article 15(2) of Regulation (EU) 2019/1241 and amending Annex VI of that Regulation by introducing corresponding technical measures for the North Western Waters becomes applicable.

*Article 60*  
*Entry into force*

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

It shall apply from 1 January 2021.

However, Article 11(1), (2), (3) and (5), Articles 14 and 18 shall apply from 1 January to 31 March 2021.

The provisions on fishing opportunities set out in Articles 28, 29 and 30 and Annex VII for stocks indicated in that Annex in the CCAMLR Convention Area shall apply from 1 December 2020.

The provisions on fishing effort limits set out in Annex II shall apply from 1 February 2021 to 31 January 2022.

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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