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European Union

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PECHE 199

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION amending Regulation (EU) 2020/1579 as regards certain fishing opportunities in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters

COUNCIL REGULATION (EU) 2021/...

of ...

**amending Regulation (EU) 2020/1579
as regards certain fishing opportunities in the Baltic Sea,
and amending Regulation (EU) 2021/92 as regards certain fishing opportunities
for 2021 in Union and 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) Council Regulation (EU) 2020/1579¹ fixes for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea. On 28 May 2021, the International Council for the Exploration of the Sea (ICES) published a revised scientific catch advice for herring in the Gulf of Bothnia for 2021. The advice updates the catch figure and upgrades the advice to category 1 maximum sustainable yield (MSY) advice. The fishing opportunities for herring in the Gulf of Bothnia should be adjusted accordingly, and therefore Regulation (EU) 2020/1579 should be amended accordingly.
- (2) Council Regulation (EU) 2021/92² fixes for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.

¹ Council Regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in other waters (OJ L 362, 30.10.2020, p. 3).

² Council Regulation (EU) 2021/92 of 28 January 2021 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 (OJ L 31, 29.1.2021, p. 31).

- (3) According to the ICES advice of 13 April 2021, catches of sprat (*Sprattus sprattus*) in ICES division 3a (Kattegat/Skagerrak) and ICES subarea 4 (North Sea) should be no more than 106 715 tonnes for the period from 1 July 2021 to 30 June 2022. The fishing opportunities for sprat for that period should therefore be set at 87 186 tonnes in Union waters of ICES division 2a and ICES subarea 4, and at 19 529 tonnes in ICES division 3a, in line with the maximum sustainable yield.
- (4) Regulation (EU) 2021/92 set at zero the total allowable catch (TAC) for anchovy (*Engraulis encrasicolus*) in ICES subareas 9 and 10 and Union waters of the Fishery Committee for the Eastern Central Atlantic 34.1.1 for the period from 1 July 2021 to 30 June 2022, pending the scientific advice for that period. ICES will issue its advice for that stock at the end of June 2021. In order to ensure that fishing activity may continue until the TAC is set on the basis of the latest scientific advice, a provisional TAC of 5 744 tonnes, based on the catches in the third quarter of 2020, should be established.
- (5) The numbers in point 6 of Annex VI to Regulation (EU) 2021/92 should be amended in order to reflect agreements concluded between some Member States to temporarily transfer between themselves, exclusively for year 2021, certain amounts of bluefin tuna farming input and capacity. Those changes have been notified to the International Commission for the Conservation of Atlantic Tunas (ICCAT) through an amended Union farming plan and do not affect the total farming capacity and input capacity of the Union in the ICCAT Convention Area.

- (6) The catch limits provided for in Regulation (EU) 2020/1579 apply from 1 January 2021. The provisions introduced by this amending Regulation concerning catch limits for herring in the Gulf of Bothnia should therefore also apply from that date. Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities concerned have not yet been exhausted.
- (7) This Regulation should enter into force on the day after its publication in order to enable the fishing season for sprat and anchovy to start on time on 1 July 2021,

HAS ADOPTED THIS REGULATION:

Article 1
Amendment of Regulation (EU) 2020/1579

Regulation (EU) 2020/1579 is amended as set out in Part A of the Annex to this Regulation.

Article 2
Amendment of Regulation (EU) 2021/92

Regulation (EU) 2021/92 is amended as set out in Parts B and C of the Annex to this Regulation.

Article 3
Entry into force and application

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

Article 1 shall apply from 1 January 2021.

Article 2 shall apply from 1 July 2021.

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

Done at Brussels,

For the Council
The President

ANNEX

PART A

In the Annex to Regulation (EU) 2020/1579, the fishing opportunities table for herring in ICES subdivisions 30-31 is replaced by the following:

“

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	96 321	Analytical TAC	
Sweden	21 164		
Union	117 485		
TAC	117 485		

”

PART B

Annex IA to Regulation (EU) 2021/92 is amended as follows:

- (1) the fishing opportunities table for sprat and associated by-catches in Union waters of ICES division 3a is replaced by the following:

“

Species: Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone: 3a (SPR/03A.)
Denmark	13 086 (1)(2) Analytical TAC
Germany	27 (1)(2)
Sweden	4 951 (1)(2)
Union	18 064 (1)(2)
TAC	19 529 (2)

(1) Up to 5 % of the quota may consist of by-catches of whiting and haddock (OTH/*03A.). By-catches of whiting and haddock counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

(2) This quota may only be fished from 1 July 2021 to 30 June 2022. Transfers of this quota may be effected to United Kingdom and Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission and to the United Kingdom.

”.

- (2) the fishing opportunities table for sprat and associated by-catches in United Kingdom and Union waters of ICES subarea 4 and United Kingdom waters of ICES division 2a is replaced by the following:

“

Species:	Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone: United Kingdom and Union waters of 4; United Kingdom waters of 2a (SPR/2AC4-C)
Belgium	993 (1)(2)	Analytical TAC
Denmark	78 553 (1)(2)	
Germany	993 (1)(2)	
France	993 (1)(2)	
The Netherlands	993 (1)(2)	
Sweden	1 330 (1)(2)(3)	
Union	83 855 (1)(2)	
Norway	0 (1)	
Faroe Islands	0 (1)(4)	
United Kingdom	3 331 (1)	
TAC	87 186 (1)	
(1)	The quota may only be fished from 1 July 2021 to 30 June 2022.	
(2)	Up to 2 % of the quota may consist of by-catches of whiting (OTH/*2AC4C). By-catches of whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.	
(3)	Including sandeel.	
(4)	May contain up to 4 % of by-catch of herring.	

”;

(3) the table for fishing opportunities for anchovy in ICES subareas 9 and 10 and Union waters of CECAF division 34.1.1 is replaced by the following:

“

Species: Anchovy <i>Engraulis encrasicolus</i>	Zone: 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411)
Spain	2 747 ⁽¹⁾ Precautionary TAC
Portugal	2 997 ⁽¹⁾
Union	5 744 ⁽¹⁾
TAC	5 744 ⁽¹⁾
⁽¹⁾ The quota may only be fished from 1 July 2021 to 30 September 2021.	

”

PART C

In Annex VI to Regulation (EU) 2021/92, point 6 is replaced by the following:

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

Table A

Maximum bluefin tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Spain	10	11 852
Italy	13	9 564
Greece	2	2 100
Cyprus	3	3 000
Croatia	7	7 880
Malta	6	14 511

Table B¹

Maximum input of wild caught bluefin tuna (in tonnes)	
Spain	6 850
Italy	1 739,5
Greece	785
Cyprus	2 195
Croatia	2 947
Malta	10 260,5
Portugal	350

¹ The farming capacity of Portugal of 500 tonnes is covered by the unused capacity of the Union set out in table A.”.