

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

## TITLE II

### FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

#### CHAPTER III

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

###### *Section 1*

###### **General provisions**

###### *Article 19*

###### **Quota transfers and exchanges**

1 Where, under the rules of a regional fisheries management organisation (RFMO), quota transfers or exchanges between the Contracting Parties to the RFMO are permitted, a Member State ('the Member State concerned') may discuss with a Contracting Party to the RFMO and, as appropriate, establish a possible outline of an intended quota transfer or exchange.

2 Upon notification to the Commission by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange that the Member State has discussed with the relevant Contracting Party to the RFMO. Thereupon, the Commission shall express, without undue delay, the consent to be bound by such quota transfer or exchange with the relevant Contracting Party to the RFMO. The Commission shall notify the secretariat of the RFMO of the agreed quota transfer or exchange in accordance with the rules of that organisation.

3 The Commission shall inform the Member States of the agreed quota transfer or exchange.

4 The fishing opportunities received from or transferred to the relevant Contracting Party to the RFMO under the quota transfer or exchange shall be deemed to be quotas allocated to, or deducted from, the allocation of the Member State concerned, as of the moment that the quota transfer or exchange takes effect in accordance with the terms of the agreement reached with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such allocation shall not change the existing distribution key for the purpose of allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

5 This Article shall apply until 31 January 2021 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

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## Section 2

### **ICCAT Convention Area**

#### Article 20

#### **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 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 21

#### **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 22

#### **Sharks**

1 Retaining on board, transhipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery shall be prohibited.

2 It shall be prohibited to undertake a directed fishery for species of thresher sharks of the *Alopias* genus.

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3 Retaining on board, transhipping 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, transhipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery shall be prohibited.

5 Retaining on board silky sharks (*Carcharhinus falciformis*) caught in any fishery shall be prohibited.

### Section 3

#### **CCAMLR Convention Area**

##### Article 23

#### **Exploratory fisheries notifications**

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

##### Article 24

#### **Limits on exploratory fisheries for toothfish**

1 Fishing for toothfish during the 2019-2020 fishing season shall be limited to the Member States, subareas and number of vessels set out in 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 be ceased when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the season.

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

##### Article 25

#### **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

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than 1 May 2020, of its intention to fish for krill, using the format laid down in Part B of the Appendix to Annex VII to this Regulation. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2020.

2 The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each vessel to be authorised by the Member State to participate in the krill fishery.

3 A Member State intending to fish for krill in the CCAMLR Convention Area shall notify its intention to do so only in respect of authorised vessels either flying its flag at the time of the notification or flying the flag of another CCAMLR member that are expected, at the time the fishery takes place, to be flying the flag of that Member State.

4 Member States shall be entitled to authorise participation in a krill fishery by vessels other than those notified to CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 of this Article, if an authorised vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances the Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:

- a full details of the intended replacement vessel(s), including information provided for in Article 3 of Regulation (EC) No 601/2004;
- b a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.

5 Member States shall not authorise a vessel placed on any CCAMLR illegal, unreported and unregulated (IUU) fishing vessel list to participate in krill fisheries.

#### *Section 4*

### ***IOTC Area of Competence***

#### *Article 26*

### **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.

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## *[<sup>F1</sup>Article 27*

### **Drifting FADs and supply vessels**

- 1 Drifting FADs shall be equipped with instrumented buoys. The use of any other buoys, such as radio buoys is prohibited.
- 2 A purse seiner 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 is 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 seiner 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.]

#### **Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) 2020/900 of 25 June 2020 amending Regulation \(EU\) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea and amending Regulation \(EU\) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters.](#)

## *Article 28*

### **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.

## *[<sup>F2</sup>Article 28a*

### **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

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carrying out subsistence fishery (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 by artisanal fishing (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.]

**Textual Amendments**

**F2** Inserted by [Council Regulation \(EU\) 2020/455 of 26 March 2020 amending Regulation \(EU\) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea and other waters, and Regulation \(EU\) 2020/123 as regards certain fishing opportunities for 2020 in Union and non Union waters.](#)

*Section 5*

***SPRFMO Convention Area***

*Article 29*

**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 2020 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.

<sup>F3</sup>*Article 30*

**[<sup>F3</sup>Mobulid rays]**

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### **Textual Amendments**

- F3** Deleted by Council Regulation (EU) 2020/455 of 26 March 2020 amending Regulation (EU) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea and other waters, and Regulation (EU) 2020/123 as regards certain fishing opportunities for 2020 in Union and non Union waters.

### *Article 31*

#### **Bottom fisheries**

1 Member States shall limit their bottom fishing catch or effort in 2020 in the SPRFMO Convention Area to those parts of the Convention Area where bottom fishing has occurred from 1 January 2002 to 31 December 2006 and to a level that does not exceed the annual average levels of catches or effort parameters in that period. They may fish beyond the track record only if SPRFMO endorses their plan to fish beyond the track record.

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

### *Article 32*

#### **Exploratory fisheries**

1 Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in the SPRFMO Convention Area in 2020 only if the SPRFMO has approved their application for such fisheries 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 be ceased either when the TAC is reached or if 100 sets have been set and hauled, whichever is earlier.

### *Section 6*

#### ***IATTC Convention Area***

### *Article 33*

#### **Purse-seine fisheries**

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

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- a from 00.00 hours on 29 July 2020 to 24.00 hours on 8 October 2020 or from 00.00 hours on 9 November 2020 to 24.00 hours on 19 January 2021 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 2020 to 24.00 hours on 8 November 2020 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 2020 the selected period of closure referred to in point (a) of paragraph 1. All purse seiners of the Member States concerned shall stop purse-seine fishing in the areas defined in paragraph 1 during the selected period.
- 3 Purse seiners 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 34*

#### **Drifting FADs**

- 1 A purse seiner 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 seiner.
- 2 A purse seiner may not deploy FADs during the 15 days before the start of the selected closure period referred to in point (a) of Article 33(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 35*

#### **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 IL.



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### Article 36

#### **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 37

#### **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 7

#### **SEAFO Convention Area**

### Article 38

#### **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*);

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- (h) deep-sea sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*).

## Section 8

### **WCPFC Convention Area**

#### Article 39

#### **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 seiners 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 do not exceed 2 000 tonnes in 2020.

#### Article 40

#### **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 seiners to deploy, service or set on FADs between 00.00 hours on 1 July 2020 and 24.00 hours on 30 September 2020.
- 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 2020 to 24.00 hours on 31 May 2020, or from 00.00 hours on 1 November 2020 to 24.00 hours on 31 December 2020.
- 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.

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#### Article 41

### **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 42

### **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 2020 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 43

### **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 44

### **Overlap area between IATTC and WCPFC**

1 Vessels listed exclusively in the WCPFC register shall apply the measures set out in this Section when fishing in the overlap area between IATTC and WCPFC as defined in point (v) of Article 4.

2 Vessels listed in both the WCPFC register and the IATTC register and vessels listed exclusively in the IATTC register shall apply the measures set out in Article 33(1)(a), (2), (3) and (4) and Articles 34, 35 and 36 when fishing in the overlap area between IATTC and WCPFC as defined in point (v) of Article 4.

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*Section 9*

***Bering Sea***

*Article 45*

**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 10*

***SIOFA Agreement Area***

*[<sup>F1</sup>Article 46*

**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 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 line and traps methods and on condition of having a scientific observer on board at all times while fishing in those areas.]

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**Textual Amendments**

- F1** Substituted by [Council Regulation \(EU\) 2020/900 of 25 June 2020 amending Regulation \(EU\) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea and amending Regulation \(EU\) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters.](#)

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- (1) 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](#)).

**Status:**

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