

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 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 shall 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 and Norway, and the fishing zone around Jan Mayen, subject to the condition set out in Article 18 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.

##### *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
- b result:
  - (i) if an analytical assessment is available, in the exploitation of the stock in line with MSY from 2020 onwards, 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 2020, 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;

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- c details on how the TACs adopted comply with paragraph 2.

#### *Article 7*

### **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 8*

### **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 2–5 of this Article shall apply to the TACs identified in Annex IA.

2 6 % of each quota from the 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 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 2020. Member States without quota shall have exclusive access to the quota pool until 31 March 2020.

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 2020, 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 Those quotas 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.

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## Article 9

### 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 Annex II. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

3 The Commission may, by means of implementing acts, allocate a requesting Member State a maximum of three days between 1 February 2020 and 31 January 2021 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 Annex II. Such an allocation shall be done on the basis of the description submitted by the 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 53(2).

## Article 10

### 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 2020 and from 1 April to 31 December 2020, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h and in waters within 12 nautical miles from baselines under the sovereignty of the United Kingdom in ICES divisions 7a and 7g 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>(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;
- b using seines<sup>(3)</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>(4)</sup>, not exceeding 5,7 tonnes per vessel per year;
- d using fixed gillnets<sup>(5)</sup>, for unavoidable by-catches not exceeding 1,4 tonnes per vessel per year.

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

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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 seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries do not exceed the  $F_{MSY}$  point value resulting in 2 533 tonnes of total catches, as required by Article 4(3) of Regulation (EU) 2019/472.

5 In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a, 7a to 7k:

- a from 1 January to 29 February and from 1 to 31 December 2020, only catch-and-release fishing with a rod or a handline for European seabass shall be allowed. During those periods, it shall be prohibited to retain, relocate, tranship or land European seabass caught in that area;
- b from 1 March to 30 November 2020, 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 may not be used to catch or retain European seabass during the period referred to in that point.

6 In recreational fisheries in ICES divisions 8a and 8b, a maximum of 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. This paragraph shall not apply to fixed nets, which may 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 11*

#### **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 2020 and 28 February 2021. Member States shall communicate the determined period to the Commission no later than 1 June 2020.

### *Article 12*

#### **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;

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- 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 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 19 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 13*

#### **Remedial 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 from 7f, 7g, the part of 7h North of latitude 49° 30' North and the part of 7j North of latitude 49° 30' North and East of longitude 11° West:

- a Union vessels fishing with bottom trawls whose catches consist of at least 20 % of haddock shall be prohibited from fishing in the area referred to in paragraph 1 unless they use gear with one of the following mesh sizes:
  - 110 mm cod-end with 120 mm square-mesh panel,
  - 100 mm T90 cod-end,
  - 120 mm cod-end,
  - 100 mm with 160 mm square-mesh panel until 31 May 2020;
- b As from 1 June 2020, in addition to measures referred to in point (a), Union vessels shall use: (i) a fishing gear that is constructed with a minimum of one meter 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;
- c Union vessels fishing with bottom seines whose catches consist of at least 20 % of haddock shall be prohibited from fishing in the area referred to in paragraph 1 unless they use gear with one of the following mesh sizes:
  - 110 mm cod-end with 120 mm square-mesh panel,
  - 100 mm T90 cod-end,
  - 120 mm cod-end.

2 Except vessels falling within the scope of Article 9(2) of the Commission Delegated Regulation (EU) 2018/2034<sup>(6)</sup>, Union vessels fishing with bottom trawls and seines in ICES divisions from 7f to 7k and in the area west of 5° W longitude in ICES division 7e, or Union vessels fishing with bottom trawls in the area of paragraph 1 whose catches consist of less than

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20 % of haddock, shall be prohibited from fishing unless they use a minimum cod-end mesh size of at least 100 mm. This minimum cod-end mesh size requirement does not apply to vessels whose by-catches of cod do not exceed 1,5 %, as assessed by the STECF.

3 According to 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.

4 Union vessels may deploy an alternative highly selective gear to those listed in points (a) and (b) of paragraph 1, the technical attributes of which result, according to a scientific study assessed by the STECF, in catches of less than 1 % of cod.

#### *Article 14*

### **Remedial measures for cod in the North Sea**

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.

#### *Article 15*

### **Remedial measures for cod in Kattegat**

1 As from 31 May 2020, Union vessels fishing 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 gear:

- 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 By 31 March 2020 Member States may identify Union vessels that will have, in a project of a Member State concerned, at the latest on 31 December 2020, equipment installed for fully documented fisheries. Those Union vessels may use gear in accordance with Regulation (EU) 2019/1241. Member States concerned shall communicate the list of those vessels to the Commission.

#### *Article 16*

### **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 (*Amblyraja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;
- b leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;

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- c Portuguese dogfish (*Centroscyrnus coelolepis*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
  - d kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
  - e birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
  - f 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;
  - g great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
  - h tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
  - i porbeagle (*Lamna nasus*) in all waters;
  - j thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
  - k undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
  - l whale shark (*Rhincodon typus*) in all waters;
  - m common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
  - n 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 17

##### **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.

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- (1) 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](#)).
- (2) All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).
- (3) All types of seines (SSC, SDN, SPR, SV, SB and SX).
- (4) All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).
- (5) All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).
- (6) Commission Delegated Regulation (EU) 2018/2034 of 18 October 2018 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021 ([OJ L 327, 21.12.2018, p. 8](#)).



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