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

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

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) 2019/1838[(1)] fixes for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea. It establishes spawning closure periods for the two Baltic cod stocks. Ensuring uninterrupted time series of comparable data on fish stocks is an essential element for the scientific assessment of those stocks. It is therefore appropriate to allow, during the respective closure periods, fishing operations conducted exclusively for the purpose of scientific investigation and in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241 of the European Parliament and of the Council[(2)]. Regulation (EU) 2019/1838 should therefore be amended accordingly.

(2) Council Regulation (EU) 2020/123[(3)] fixes for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non#Union waters. It should be clarified that the restrictions set out in Article 10(6) of that Regulation apply to recreational fisheries including from shore.

(3) At their annual meeting in July 2019, the Parties to the Southern Indian Ocean Fisheries Agreement (SIOFA) decided on bottom fishing measures and on fishing effort limitation in the SIOFA area. Those measures were implemented in Union law by Regulation (EU) 2020/123. At that meeting, the Parties to the SIOFA also agreed on five interim protected areas in which specific rules apply for fishing vessels in order to protect benthic ecosystems. Therefore, further changes should be made to that Regulation to ensure that implementing rules properly reflect the decisions taken by the Parties to the SIOFA.

(4) The catch limits for sandeels in the International Council for the Exploration of the Sea (ICES) divisions 2a and 3a and ICES subarea 4 should be amended in line with the latest scientific advice from ICES, issued on 27 February 2019 and 27 February 2020.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2020/455. (See end of Document for details)*

(5) At its annual meeting in November 2019, the International Commission for the Conservation of Atlantic Tunas (ICCAT) decided on new reporting obligations for tropical tunas. Member States are required to transmit data on monthly catches for large longline vessels (overall length of 20 metres and above) and for purse seiners fishing for bigeye tuna (*Thunnus obesus)* and yellowfin tuna (*Thunnus albacares*) in the Atlantic Ocean. When catches of bigeye tuna reach 80 % of the quota, Member States are required to transmit data on the catches for those vessels on a weekly basis.

(6) Those measures should be implemented in Union law by amending accordingly the total allowable catch (TAC) tables for bigeye tuna and yellowfin tuna in the Atlantic Ocean set out in Regulation (EU) 2020/123.

(7) Fishing effort limits for Union fishing vessels in the ICCAT Convention Area are based on information provided in the fishing capacity and farming plans for bluefin tuna (*Thunnus thynnus*) communicated by Member States to the Commission. Those fishing effort limits are reported through the Union plan endorsed by ICCAT during the Intersessional meeting of Panel 2 held on 5 and 6 March 2020. They should be established as part of fishing opportunities.

(8) Regulation (EU) 2020/123 should therefore be amended accordingly.

(9) The catch limits provided for in Regulations (EU) 2019/1838 and (EU) 2020/123 apply from 1 January 2020. The provisions on catch limits introduced by this amending Regulation 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.

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EU) 2019/1838

The Annex to Regulation (EU) 2019/1838 is amended in accordance with Annex I to this Regulation.

Article 2

Amendment of Regulation (EU) 2020/123

Regulation (EU) 2020/123 is amended as follows:

(a) in Article 10, paragraph 6 is replaced by the following:

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. 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.;

(b) the following Article is inserted:

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 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.;

(c) Article 30 is deleted;

(d) Annexes IA, ID, IK and VI are amended in accordance with Annex II to this Regulation.

Article 3

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

It shall apply from 1 January 2020.

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

Done at Brussels, 26 March 2020.

For the Council

The President

A. METELKO-ZGOMBIĆ

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2020/455. (See end of Document for details)*

ANNEX I

The Annex to Regulation (EU) 2019/1838 is amended as follows:

(1) Footnote 2 of the fishing opportunities table for cod in ICES subdivisions 25#32 is replaced by the following:

> (2) In subdivisions 25 and 26 it shall be prohibited to fish this quota from 1 May to 31 August.
>
> By way of derogation from the first paragraph, fishing operations conducted exclusively for the purpose of scientific investigation may be undertaken provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.
>
> By way of derogation from the first paragraph, that closure period shall not apply to Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines (except drifting lines), handlines and jigging equipment or other passive gear in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State.;

(2) Footnote 2 of the fishing opportunities table for cod in ICES subdivisions 22#24 is replaced by the following:

> (2) It shall be prohibited to fish this quota in subdivisions 22 and 23 from 1 February to 31 March and in subdivision 24 from 1 June to 31 July.
>
> By way of derogation from the first paragraph, fishing operations conducted exclusively for the purpose of scientific investigation may be undertaken provided that those investigations are carried out in full compliance with the conditions set out in Article 25 of Regulation (EU) 2019/1241.
>
> By way of derogation from the first paragraph, that closure period shall not apply to Union fishing vessels of less than 12 metres in length overall that fish with gillnets, entangling nets or trammel nets, with bottom set lines, longlines (except drifting lines), handlines and jigging equipment or other passive gear in areas where the water depth is less than 20 metres according to the coordinates on the official sea chart issued by the competent national authorities. Masters of those fishing vessels shall ensure that their fishing activity can be monitored at any time by the control authorities of the Member State..

ANNEX II

Annexes IA, ID, IK and VI to Regulation (EU) 2020/123 are amended as follows:

(1) in Annex IA, the table for sandeels and associated by#catches in Union waters of ICES divisions 2a and 3a and ICES subarea 4 is replaced by the following:

'Species:	**Sandeels and associated by# catches*Ammodytes* spp.**		**Zone:**	**Union waters of 2a, 3a and 4[a]**
Denmark	215 863	[b]	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	4 719	[b]		
Germany	329	[b]		
Sweden	7 926	[b]		
Union	228 837			
TAC	228 837			

a Excluding waters within six nautical miles of the UK baselines at Shetland, Fair Isle and Foula.

b Up to 2 % of the quota may consist of by#catches of whiting and mackerel (OT1/*2A3A4). By#catches of whiting and mackerel 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.

Special condition: within the limits of the abovementioned quotas, no more than the quantities indicated below may be taken in the following sandeels management areas, as defined in Annex III:

Zone: Union waters of sandeels management areas

	1r (SAN/234_1R)	**2r (SAN/234_2R)**	**3r (SAN/234_3R)**	**4 (SAN/234_4)**	**5r (SAN/234_5R)**	**6 (SAN/234_6)**	**7r (SAN/234_7R)**
Denmark	107 525	59 106	11 702	37 365	0	165	0
United Kingdom	2 350	1 292	256	817	0	4	0
Germany	164	90	18	57	0	0	0
Sweden	3 948	2 170	430	1 372	0	6	0
Union	113 987	62 658	12 406	39 611	0	175	0
Total	113 987	62 658	12 406	39 611	0	175	0'

(2) Annex ID is amended as follows:

(a) the table concerning bigeye tuna in the Atlantic Ocean is replaced by the following:

'Species:	**Bigeye tuna*Thunnus obesus***	**Zone:**	**Atlantic Ocean(BET/ ATLANT)**

a Catches of bigeye tuna by purse seiners (BET/*ATLPS) and long liners with an overall length of 20 metres and above (BET/*ATLLL) shall be reported separately.

b As of June 2020, when catches reach 80 % of the quota, Member States are required to transmit the catches for these vessels on a weekly basis.'