II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2021/1750

of 28 September 2021

amending Regulation (EU) 2019/440 on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco and the Implementation Protocol thereto

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) On 29 November 2018 the Council adopted Regulation (EU) 2019/440 ([1]) on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ('the Fisheries Agreement').

(2) On 4 March 2019 the Council adopted Decision (EU) 2019/441 ([2]) on the conclusion of the Fisheries Agreement and the Implementation Protocol thereto.

(3) Regulation (EU) 2019/440 allocates fishing opportunities in, inter alia, category 6 (industrial fishing for pelagic species) to Member States, including the United Kingdom.

(4) Pursuant to 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 ([3]) ('the Withdrawal Agreement'), the United Kingdom is no longer a Member State of the Union as of 1 February 2020. The transition period provided for in the Withdrawal Agreement ended on 31 December 2020. Therefore, the United Kingdom is no longer entitled to use those fishing opportunities beyond that date and they should be reallocated to the Member States as from 1 January 2021.

(5) The reallocation of fishing opportunities should be transparent and proportional to the original quota allocation.

(6) Regulation (EU) 2019/440 should therefore be amended accordingly.

([1]) Council Regulation (EU) 2019/440 of 29 November 2018 on the allocation of fishing opportunities under the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco and the Implementation Protocol thereto (OJ L 77, 20.3.2019, p. 1).

([2]) Council Decision (EU) 2019/441 of 4 March 2019 on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, the Implementation Protocol thereto and the Exchange of Letters accompanying the Agreement (OJ L 77, 20.3.2019, p. 4).

([3]) OJ L 29, 31.1.2020, p. 7.

(7) Due to its impact on fishing activities in 2021, this Regulation should apply from 1 January 2021. Such retroactive application does not affect the principles of legal certainty and the protection of legitimate expectations, as the fishing opportunities concerned have not been used by the United Kingdom and are increased for the Member States concerned.

(8) Taking into account the urgency related to the retroactive application of this Regulation, this Regulation should enter into force on the date of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EU) 2019/440, paragraph 1 is replaced by the following:

'1. The fishing opportunities established pursuant to the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ("the Fisheries Agreement") shall be allocated among the Member States as follows:

Fishing category	Type of vessel	Member State	Licences or quota
1. Small-scale fishing in the north, pelagic species	Seiners < 150 gross tonnage (GT)	Spain	22
2. Small-scale fishing in the north	Bottom longliners < 40 GT	Spain	25
		Portugal	7
	Bottom longliners ≥ 40 GT < 150 GT	Portugal	3
3. Small-scale fishing in the south	Pole-lines < 150 GT per vessel Total ≤ 800 GT	Spain	10
4. Demersal fishing	Bottom longliners ≤ 150 GT	Spain	7
		Portugal	4
	Trawlers ≤ 750 GT Total ≤ 3 000 GT	Spain	5
		Italy	0
5. Tuna fishing	Pole-and-line vessels	Spain	23
		France	4
6. Industrial fishing for pelagic species	85 000 tonnes (t) in 2019 90 000 t in 2020 100 000 t each year in 2021 and 2022 Distribution of vessels authorised to fish: 10 vessels ≥ 3 000 GT and < 7 765 GT 4 vessels ≥ 150 GT and < 3 000 GT 4 vessels < 150 GT	2019: 85 000 t	
		Germany	6 871,2 t
		Lithuania	21 986,3 t
		Latvia	12 367,5 t
		Netherlands	26 102,4 t
		Ireland	3 099,3 t
		Poland	4 807,8 t
		United Kingdom	4 807,8 t
		Spain	496,2 t
		Portugal	1 652,2 t
		France	2 809,3 t

Fishing category	Type of vessel	Member State	Licences or quota
		2020: 90 000 t	
		Germany	7 275,4 t
		Lithuania	23 279,6 t
		Latvia	13 095,0 t
		Netherlands	27 637,9 t
		Ireland	3 281,6 t
		Poland	5 090,6 t
		United Kingdom	5 090,6 t
		Spain	525,4 t
		Portugal	1 749,4 t
		France	2 974,5 t
		2021 and 2022: 100 000 t each year	
		Germany	8 568,4 t
		Lithuania	27 417,0 t
		Latvia	15 422,3 t
		Netherlands	32 549,8 t
		Ireland	3 864,9 t
		Poland	5 995,4 t
		Spain	618,8 t
		Portugal	2 060,3 t
		France	3 503,1 t’

Article 2

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

This Regulation shall apply from 1 January 2021.

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

Done at Brussels, 28 September 2021.

For the Council
The President
S. KUSTEC