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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a COUNCIL REGULATION fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks - Commission services non-paper

Delegations will find in the Annex a non-paper on the above-mentioned subject, as received from the European Commission services.

COMMISSION SERVICES NON PAPER

8 DECEMBER 2022

This document serves as a basis for discussion at the Working Party on Fisheries Policy.

It cannot in any circumstances be regarded as the official position of the Commission.

It is intended solely for those to whom it is addressed.

Updates to Commission proposal for a Council Regulation fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (COM(2022) 559)

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1. AMENDMENTS IN RELATION TO NORWAY LOBSTER IN THE SOUTHERN BAY OF BISCAY AND IBERIAN WATERS

This section of the Commission services non-paper addresses two TACs for Norway lobster (*Nephrops norvegicus*): (i) a TAC in ICES division 8c, functional unit 25 (southern Bay of Biscay and northern Galicia); and (ii) a TAC in ICES subareas 9 and 10 and Union waters of CECAF 34.1.1. (Atlantic Iberian waters and waters around the Azores).

Regarding Norway lobster in ICES division 8c, functional unit 25, on 30 June 2022, ICES published its scientific advice¹ for 2023, 2024 and 2025. ICES provides maximum sustainable yield (MSY) advice for that stock, and advises that there should be zero catch in each of the years 2023, 2024 and 2025.

For 2022, ICES also advised zero catches² for that stock and Council Regulation (EU) 2022/109³ set a TAC at the level of 1,7 tonnes, exclusively for catches as part of a sentinel fishery to collect catch per unit effort (CPUE) data with vessels carrying observers on board, during five trips per month in August and September. On 5 December 2022, ICES informed the Commission services in a letter ('ICES letter') that a sentinel fishery is no longer needed for its assessment of that stock.

In light of the above, it is therefore proposed to set the TAC for Norway lobster in ICES division 8c, functional unit 25, at zero for 2023.

Regarding Norway lobster in ICES subareas 9 and 10 and Union waters of CECAF 34.1.1, there are three relevant ICES scientific advices.

First, on 30 June 2022, ICES published its scientific advice⁴ for Norway lobster in ICES division 9a, functional units 26 and 27 (Atlantic Iberian waters East, western Galicia, and northern Portugal), for 2023, 2024 and 2025. ICES provides MSY advice for that stock, and advises that there should be zero catch in each of the years 2023, 2024 and 2025. The ICES letter also stated that a sentinel fishery is no longer needed for its assessment of that stock.

Second, on 30 June 2021, ICES published its scientific advice⁵ for Norway lobster in ICES division 9a, functional units 28 and 29 (Atlantic Iberian waters East, western Galicia, and northern Portugal) for 2022 and 2023. ICES provides precautionary advice for that stock, and advises that catches should be no more than 266 tonnes in each of the years 2022 and 2023.

Third, on 28 October 2022, ICES published its scientific advice⁶ for Norway lobster in ICES division 9a, functional unit 30 (Atlantic Iberian waters East and Gulf of Cádiz) for 2023. ICES

¹ <https://doi.org/10.17895/ices.advice.19453487>

² <https://doi.org/10.17895/ices.advice.8058>

³ Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 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 21, 31.1.2022, p. 1).

⁴ <https://doi.org/10.17895/ices.advice.19453496>

⁵ <https://doi.org/10.17895/ices.advice.7805>

⁶ <https://doi.org/10.17895/ices.advice.19772428>

provides precautionary advice for that stock, and advises that catches should be no more than 32 tonnes in 2023.

In light of the above, it is therefore proposed to set the TAC for Norway lobster in ICES subareas 9 and 10 and Union waters of CECAF 34.1.1. at the level of 298 tonnes, corresponding to the sum of the ICES scientific advice for Norway lobster in functional units: (i) 26 and 27; (ii) 28 and 29; and (iii) 30. This represents a decrease of -16% compared to the TAC set for 2022. Moreover, it is proposed to set a sub-TAC for functional units 26 and 27, at zero, in accordance with the advice. Furthermore, it is proposed to set a sub-TAC for functional unit 30 at the level of 32 tonnes, in accordance with the advice. This represents a decrease of -36% compared to the sub-TAC set for 2022.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, the fishing opportunities tables for Norway lobster in: (i) ICES division 8c, functional unit 25; and (ii) ICES subareas 9 and 10 and Union waters of CECAF 34.1.1.; are replaced by the following:

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Species: Norway lobster <i>Nephrops norvegicus</i>		Zone: 8c, functional unit 25 (NEP/8CU25)
Spain	0	Analytical TAC
France	0	Article 3 of Regulation (EC) No 847/96 shall not apply
Union	0	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	0	
Species: Norway lobster <i>Nephrops norvegicus</i>		Zone: 9 and 10; Union waters of CECAF 34.1.1 (NEP/9/3411)
Spain	75 ⁽¹⁾	Precautionary TAC
Portugal	223 ⁽¹⁾	
Union	298 ⁽¹⁾⁽²⁾	
TAC	298 ⁽¹⁾⁽²⁾	
⁽¹⁾ Shall not be taken in functional units 26 and 27 of division 9a.		
⁽²⁾ Within the limits of these quotas, no more than the following amount may be taken in functional unit 30 of division 9a (NEP/*9U30):		
		32

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2. AMENDMENTS IN RELATION TO FISHING AUTHORISATIONS FOR VENEZUELAN VESSELS FISHING IN EU WATERS OF FRENCH GUIANA

EXPLANATORY NOTE

In accordance with the Union's Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French Guiana⁷, it is necessary to fix the fishing opportunities for snapper available to Venezuela in EU waters.

Based on the best available scientific advice of the French National Institute for Ocean Science (IFREMER)⁸ from 2020, as reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF)⁹ in 2021, and at the request of the French authorities, it is therefore proposed to set the number of fishing authorisations granted to Venezuelan vessels fishing in EU waters off the coast of French Guiana at the same level as for 2022.

AMENDMENTS TO THE ANNEXES

Annex V, Part B, is replaced by the following:

⁷ Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

⁸ <https://archimer.ifremer.fr/doc/00678/78969/81372.pdf>

⁹ <https://stecf.jrc.ec.europa.eu/documents/43805/2850498/STECF-PLN+21-01.pdf/874bc98a-5c5a-46a5-a3e5-e9711285b193>

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PART B

MAXIMUM NUMBER OF FISHING AUTHORISATIONS FOR THIRD-COUNTRY VESSELS FISHING IN UNION WATERS

Flag State	Fishery	Number of fishing authorisations	Maximum number of vessels present at any time
Venezuela ⁽¹⁾⁽²⁾	Snappers (French Guiana waters)	45	45
<p>(1) To issue those fishing authorisations, proof must be produced that a valid contract exists between the fishing vessel owner applying for the fishing authorisation and a processing undertaking situated in the Department of French Guiana, and that it includes an obligation to land at least 75 % of all snapper catches from the fishing vessel concerned in that department so that they may be processed in that undertaking's premises. Such a contract must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the endorsed contract shall be appended to the fishing authorisation application. Where such an endorsement is refused, the French authorities shall notify this refusal, and state the reasons therefore, to the parties concerned and to the Commission.</p> <p>(2) Fishing activities are authorised on an annual calendar basis. However, a fishing vessel can continue its fishing activities up to three months after expiry of its fishing authorisation, provided that the operator:</p> <ul style="list-style-type: none"> - initiated the renewal process of its fishing authorisation, - fulfilled all its contractual and information communication obligations. <p>This extension expires upon the entry into force of the Commission decision for a new fishing authorisation or notification of the refusal of the new fishing authorisation.</p>			

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3. AMENDMENTS IN RELATION TO ICCAT

EXPLANATORY NOTE

Four errors of clerical nature have been detected in the fourth Commission services non-paper updating the Commission proposal¹⁰:

- In recital (27), the reference to the Western stock of bluefin tuna (*Thunnus thynnus*) should be deleted, as the fishing opportunities table for bluefin tuna in the Atlantic Ocean, east of 45° W (Eastern Atlantic), and the Mediterranean only covers the Eastern stock.
- In the fishing opportunities table for bluefin tuna in the Eastern Atlantic and Mediterranean, the references to footnote 7 should be deleted, as it was proposed to delete the corresponding footnote 7 in the fourth Commission services non-paper.
- In Annex VI, paragraph 1, the sum of the maximum number of Spanish and French 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 does not match the maximum number of such boats for the EU, as provided in the fourth Commission services non-paper. The maximum number of such French boats should therefore be increased to 55.
- In Annex VI, paragraph 6, the footnote in Table B should refer to farming management plans submitted by Member States to the Commission by 31 January 2023, and not 2022.

In Annex VI, paragraph 6, the wild caught bluefin tuna that each Member State may allocate to its farms in the Eastern Atlantic and Mediterranean for Italy and Malta and the maximum input of wild caught bluefin tuna for Spain, Italy and Malta also reflects transfers from Italy to other Member States agreed for 2022. It is therefore proposed to amend the figures to reflect figures not taking into account such transfers. In addition, a footnote should be inserted in Table A, explaining that numbers in that table may be adapted in light of the farming management plans submitted by Member States to the Commission by 31 January 2023.

AMENDMENTS TO THE RECITALS

Recital (27) is replaced by the following:

“(27) For the first time, ICCAT also adopted a management procedure (MP) for Atlantic bluefin tuna. This measure aims to ensure long-term, sustainable and profitable fisheries of both the western stock and eastern Atlantic and Mediterranean stock. The MP implements the management objectives for Eastern and Western Bluefin Tuna, including the adoption of management cycles of three years, and an implementation schedule up to 2028. The TAC pursuant to the MP for the period 2023-2025 is 40 570 tonnes per year for the eastern Atlantic and Mediterranean stock. It is therefore proposed to implement these measures in Union law.”

¹⁰ Proposal for a Council Regulation fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (COM/2022/559 final).

AMENDMENTS TO THE ANNEXES

In Annex ID, the fishing opportunities table for bluefin tuna (*Thunnus thynnus*) in the Atlantic Ocean, east of 45° W, and the Mediterranean should be replaced by the following:

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Species:	Bluefin tuna <i>Thunnus thynnus</i>	Zone:	Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM)
Cyprus	188,09 (4)	Analytical TAC	
Greece	349,61	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	6 783,67 (2) (4)	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	6 693,70 (2) (3) (4)		
Croatia	1 057,97 (6)		
Italy	5 283,00 (4) (5)		
Malta	433,43 (4)		
Portugal	637,88		
Other Member States	75,65 (1)		
Union	21 503,00 (2) (3) (4) (5)		
TAC		40 570	
(1)	Except Cyprus, Greece, Spain, France, Croatia, Italy, Malta and Portugal, and exclusively as by-catch, Catches to be counted against this shared quota shall be reported separately (BFT/AE45WM_AMS).		
(2)	Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 1 of Annex VI (BFT/*8301):		
	Spain	1 027,76	
	France	477,45	
	Union	1 505,21	
(3)	Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex VI (BFT/*641):		
	France	100	
	Union	100	
(4)	Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 2 of Annex VI (BFT/*8302):		
	Spain	135,70	
	France	133,89	
	Italy	105,67	
	Cyprus	3,76	
	Malta	8,67	
	Union	387,69	
(5)	Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI (BFT/*643):		
	Italy	105,67	
	Union	105,67	
(6)	Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI for farming purposes (BFT/*8303F):		
	Croatia	952,31	
	Union	952,31	

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In Annex VI, paragraphs 1 and 6 are replaced by the following;

“

1. Maximum 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

Spain	60
France	55
Union	115

”

“

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 tuna farming capacity and fattening capacity ¹¹		
	Number of farms	Capacity (in tonnes)
Greece	2	2 100
Spain	10	11 852
Croatia	7	7 880
Italy	13	12 600
Cyprus	3	3 000
Malta	6	12 300
Portugal	2	500

¹¹ The numbers in this table may be adapted in light of the farming management plans submitted by Member States to the Commission by 31 January 2023 for endorsement by Panel 2 of ICCAT, in accordance with Article 6(3) of Regulation (EU) 2016/1627.

Table B

Maximum input of wild caught bluefin tuna (in tonnes) ¹²	
Greece	785
Spain	6 300
Croatia	2 947
Italy	3 764
Cyprus	2 195
Malta	8 786
Portugal	350

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¹² The numbers in this table may be adapted in light of the farming management plans submitted by Member States to the Commission by 31 January 2023 for endorsement by Panel 2 of ICCAT, in accordance with Article 6(3) of Regulation (EU) 2016/1627.