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**PECHE 198**

**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Proposal for a Council Regulation amending Regulation (EU) 2022/109 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  
- Commission non-paper

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Delegations will find attached a Commission non-paper on the above-mentioned proposal.

# COMMISSION SERVICES NON-PAPER

**8 JUNE 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 the Commission proposal for a Council Regulation amending Regulation (EU) 2022/109 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 (COM(2022) 275)**

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## **UPDATE IN RELATION TO IOTC**

### **EXPLANATORY NOTE**

Following the entry into force on 1 January 2022 of a new IOTC resolution establishing revised catch limits for yellowfin tuna in its area of competence, the EU was attributed a revised catch limit of 73 146 tonnes). The revised catch limit is no longer limited to purse seiners, and now also applies to all gears involved in the yellowfin tuna fishery. Regulation (EU) 2022/109 implemented that revised catch limit into Union law.

Since November 2021, the Commission undertook consultations with the involved Member States to facilitate an agreement on the allocation key for yellowfin tuna that would include all gears. Given the need to provide fishing opportunities to the EU fleet operating in the area of the IOTC while those consultations were ongoing, the first amendment to Regulation (EU) 2022/109 attributed an initial portion of the EU quota, equivalent to 50% by using the existing allocation key.

The consultations have now concluded and no agreement could be found between France and Spain on the final allocation key. On the one hand, France considers that the existing allocation key, based on the reference period 2008-2014, should be kept as a basis, introducing only the necessary adjustments to cover the longline and artisanal fleet previously excluded from the scope of the relevant IOTC Resolution. On the other hand, Spain considers that the existing allocation key should be modified, based on the 2014 as a reference period.

Against this background, there is the need to provide fishing opportunities to the EU fleet operating in the area of the IOTC before the end of the period of application of the initial attribution on 30 June 2022, established by the the first amendment to Regulation (EU) 2022/109. The Commission proposes to attribute the remaining 50% portion of the EU quota by again using the existing allocation key. A special attribution of 100 tonnes is provided to Portugal, which previously did not hold a quota for yellowfin tuna, to cover the by-catch of yellowfin tuna by their longline fleet.

### **UPDATE TO THE COMMISSION PROPOSAL**

In the Commission proposal COM(2022)275, the following recital is amended as follows:

“(7) Given the need to provide fishing opportunities to the EU, fleet in the absence of an agreement by the Member States concerned on the allocation key before the end of the period of application of the initial attribution on 30 June 2022, it is necessary to replace the provisional quotas with the quotas for the full year in accordance with the existing allocation key. An attribution of 100 tonnes is provided to Portugal to cover the by-catch of yellowfin tuna by their longline fleet.”

### **AMENDMENTS TO THE ANNEX**

In the Annex to the Commission proposal, Annex IJ is replaced by the following:

**“ANNEX IJ**

**IOTC AREA OF COMPETENCE**

Catches of yellowfin tuna (*Thunnus albacares*) by Union fishing vessels shall not exceed the catch limits set out in this Annex.

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	IOTC Area of Competence (YFT/IOTC)
France	27 736	Analytical TAC	
Italy	2 367	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	42 944	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	100 <sup>(1)</sup>		
Union	73 146		
TAC	Not relevant		

<sup>(1)</sup> Exclusively for by-catches. No directed fisheries are permitted under this quota.

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