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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Delegations will find attached document COM(2021) 661 final.

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2021/0345 (NLE)

Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

All fishing opportunities regulations must limit the harvesting of fish stocks to levels that are consistent with the overall objectives of the common fisheries policy (CFP). Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy¹ (the Basic Regulation) sets out objectives for annual proposals for catch and fishing effort limits to ensure that Union fisheries are ecologically, economically and socially sustainable.

The fishing opportunities exercise is an annual management cycle (biennial in the case of deep-sea stocks), but that does not stand in the way of long-term management approaches. The European Parliament and the Council have inter alia adopted multiannual plans (MAPs) for the North Sea² and for the Western Waters³.

Some of the fishing opportunities proposed here are to be established by the Union autonomously and some have been agreed following multilateral or bilateral consultations. The outcome is implemented through internal allocation among Member States according to the principle of relative stability.

This proposal covers:

- autonomous Union stocks;
- shared stocks that are to be jointly managed with the United Kingdom (UK) in the North Sea and the North-Western Waters, and with Norway in the North Sea and the Skagerrak, or that have been subject to North-East Atlantic Fisheries Commission (NEAFC) coastal states consultations; and
- fishing opportunities under agreements concluded in the framework of regional fisheries management organisations (RFMOs).

A number of fishing opportunities are marked *pm* (*pro memoria*) in this proposal, because:

- the scientific advice on some stocks was not yet available when the proposal was adopted; or

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

² Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

³ Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 179, 16.7.2018, p. 1).

- certain catch limits and other recommendations from the relevant RFMOs are pending, because their annual meetings have not yet taken place; or
- figures are not yet available for some stocks in Greenland waters, shared stocks or fishing opportunities exchanged with third countries, pending the conclusion of consultations with Greenland and those third countries; or
- the Commission still needs to consult with the UK regarding cooperation in 2022 on shared stocks, including on fishing opportunities.

Approach for setting fishing opportunities

As usual, the Commission has produced an annual communication; *Towards more sustainable fishing in the EU: state of play and orientations for 2022* (COM(2021) 279). The annual Communication provides an overview of the state of the stocks based on scientific advice, and explains the procedure for establishing fishing opportunities.

On 30 June 2021, in response to the Commission’s request, the International Council for the Exploration of the Sea (ICES) provided its annual advice on a number of fish stocks covered by this proposal⁴.

ICES scientific advice essentially depends on data: only stocks for which there is sufficient and reliable data can be fully assessed, with estimates of the sizes of the stocks and forecasts of how they will react to various exploitation scenarios (‘catch scenarios tables’). Where sufficient data is available, the scientific bodies are able to estimate adjustments to the fishing opportunities that will bring the stock to produce its maximum sustainable yield (MSY). The advice is then referred to as ‘MSY advice’. In other cases, the scientific bodies rely on the precautionary approach when recommending the level of fishing opportunities. ICES explains the methodology used in this regard in published material on the issuing of advice for data-limited stocks⁵.

All the fishing opportunities that the Commission proposes here reflect the scientific advice it has received as to the state of the stocks and its use in the manner outlined in the above Communication.

Landing obligation

Under Article 15 of the Basic Regulation, all stocks for which there are catch limits have been subject to the landing obligation since 1 January 2019. However, the Basic Regulation provides for certain exceptions from the landing obligation. Based on joint recommendations by the Member States, the Commission has adopted delegated regulations laying down specific discard plans allowing for limited quantities of discards on the basis of *de minimis* or high survivability exemptions.

With the introduction of the landing obligation, and in accordance with Article 16(2) of the Basic Regulation, the proposed fishing opportunities have to reflect the change from amount landed to amount caught, given that discards are no longer allowed. This is done on the basis

⁴ <https://www.ices.dk/advice/Pages/Latest-Advice.aspx>

⁵ See in particular the document *ICES approach to advice on fishing opportunities*; https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/Advice_on_fishing_opportunities.pdf

of the scientific advice for the stocks in fisheries referred to in Article 15(1) of the Basic Regulation. The proposed fishing opportunities are also fixed in accordance with other relevant provisions, i.e. Article 16(1) on the principle of relative stability and Article 16(4) (referring to the CFP objectives and the relevant MAPs rules).

To take account of the full application of the landing obligation, the Commission is proposing total allowable catches (TACs) on the basis of the catch advice, rather than the landings advice (as used previously). The proposed Union quotas take account of limited discards based on established exemptions; these quantities will not be landed and counted against the quotas, and are therefore deducted from the Union quotas.

Year-to-year flexibility

Account must also be taken of the links between the Basic Regulation and Council Regulation (EC) No 847/96⁶. The latter establishes additional conditions for the year-to-year management of TACs, including flexibility for precautionary and analytical stocks respectively (here understood as stocks with ICES precautionary advice and with ICES MSY advice respectively) (Articles 3 and 4). Under Article 2 of Regulation (EC) No 847/96, when fixing the TACs, the Council is to decide which stocks will not be subject to Articles 3 and 4 of that Regulation, in particular on the basis of the biological status of stocks. Article 15(9) of the Basic Regulation provides for another mechanism of year-to-year flexibility.

In order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources and the achievement of the CFP objectives, it should be clarified that the measures under Articles 3 and 4 of Regulation (EC) No 847/96 and under Article 15(9) of the Basic Regulation cannot apply cumulatively.

Year-to-year flexibility under Article 15(9) of the Basic Regulation should be excluded where it would undermine the achievement of the CFP objectives, in particular for stocks with spawning stock biomass (SSB) below the limit biomass reference point (B_{lim}).

Proposed TACs and explanation

Since 2019, the Commission has (in the explanatory memorandum for the annual fishing opportunities regulation) listed the stocks for which the proposed TAC deviate by more than 20% from the current TAC. For 2022, these are as follows:

TAC	Sea area	Proposed TAC for 2022	Proposed TAC change from 2021*	Explanation
Cod in Kattegat	Kattegat	97 t	-21%	Precautionary advice is 0 t. Commission proposes TAC for unavoidable by-catches (in Norway lobster fishery), in line with ICES technical advice.

⁶ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

TAC	Sea area	Proposed TAC for 2022	Proposed TAC change from 2021*	Explanation
Norway lobster in 3a	Skagerrak and Kattegat	8 501 t	-31%	Commission proposes TAC in line with MSY advice and the lowest value within the range of F_{MSY} (F_{MSY} lower). Range of F_{MSY} is a range of fishing mortality values, where all values within that range result in MSY in the long term, delivering no more than a 5 % reduction in long-term yield and without significantly affecting the reproduction process for the stock. TAC is in line with F_{MSY} lower, not F_{MSY} point value, as cod for which there is a 0 t advice is by-catch in this fishery. F_{MSY} point value is the fishing mortality value that gives the long-term MSY.
Norway lobster in 8c, Functional Units (FUs) 25 and 31	Southern Bay of Biscay	1.7 t in FU 25 20 t in FU 31	rollover for FU 25 +1 329% for FU 31	For FU 25, precautionary advice is 0 t. Commission proposes to keep TAC for a scientific fishery collecting catch per unit effort (CPUE) data. For FU 31, Commission proposes TAC in line with the MSY advice and F_{MSY} point value. When setting the Union quota, a landing obligation exemptions deduction has been applied.
Plaice in Kattegat	Kattegat	1 038 t	+34%	Commission proposes TAC in line with MSY advice and F_{MSY} lower. TAC is in line with F_{MSY} lower, not F_{MSY} point value, as cod for which there is a 0 t advice is by-catch in this fishery. This TAC represents a proportion (19.2%) of the TAC for the advice area (Kattegat, Belt Seas, and the Sound). When setting the Union quota, a landing obligation exemptions deduction has been applied.
Sole in 7b and c	West of Ireland and Porcupine Bank	19 t	-44%	Commission proposes TAC in line with precautionary advice.
Sole 8ab	Northern and central Bay of Biscay	2 233 t	-37%	Commission proposes TAC in line with MSY advice and F_{MSY} point value. Biomass is currently below $MSY B_{trigger}$, but above B_{lim} . $MSY B_{trigger}$ is the SBB below which management action is to be taken to allow a stock to rebuild above levels capable of producing MSY in the long term, and B_{lim} is the SBB below which there may be reduced reproductive capacity. The MSY advice accounts for the current lower biomass. When setting the Union quota, a landing obligation exemptions deduction has been applied.

* For TACs with landing obligation exemptions deductions, the comparison is made on the basis of Union quotas.

- **Consistency with existing policy provisions in the policy area**

The proposed measures are designed in accordance with CFP objectives and rules.

- **Consistency with other Union policies**

The proposed measures are consistent with other Union policies, in particular in the fields of environment and sustainable development.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).

The Union's obligations as regards the sustainable exploitation of living aquatic resources arise from the obligations set out in Article 2 of the Basic Regulation.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under exclusive Union competence, as referred to in Article 3(1)(d) of the TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal complies with the proportionality principle as follows: As the CFP is a common policy, and under Article 43(3) of the TFEU it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities. The proposed Council regulation allocates fishing opportunities to Member States. Pursuant to Articles 16 and 17 of the Basic Regulation, Member States will proceed to allocate the fishing opportunities among regions or operators as they see fit. Therefore, Member States have ample room for manoeuvre on decisions relating to the social/economic model of their choice to exploit their allocated fishing opportunities.

The proposal has no new financial implications for Member States. The Council adopts a similar regulation every year and the public and private means to implement it are already in place.

- **Choice of instrument**

Proposed instrument is a Council regulation, in accordance with Article 43(3) of the TFEU.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex post* evaluations/fitness checks of existing legislation**

The fishing opportunities regulation is revised several times a year to reflect the most recent scientific advice and other developments.

- **Stakeholder consultations**

(a) Consultation methods, main sectors targeted and general profile of respondents

The Commission has consulted stakeholders, in particular through the Advisory Councils (ACs), and Member States on its approach to the various fishing opportunities proposals on the basis of its annual Communication *Towards more sustainable fishing in the EU: state of play and orientations for 2022*.

The Commission has followed the approach outlined in its Communication *Improving consultation on Community fisheries management* (COM(2006) 246 final). This approach consists of an earlier consultation with stakeholders, allowing a more strategic debate ('front-loading process').

(b) Summary of responses and how they were taken into account

Stakeholders' responses to the above annual Communication set out their views on the Commission's evaluation of the state of the resources and on the appropriate management response. The Commission considered the responses when formulating this proposal.

• **Collection and use of expertise**

As noted above, the Commission consulted ICES on the methodology to be used. ICES advice is based on an advice framework developed by its expert groups and decision-making bodies, and issued in line with its memorandum of understanding with the Commission.

The ultimate objective is to restore the stocks to levels that can deliver MSY and to maintain them at those levels. This objective is incorporated expressly in the Basic Regulation, Article 2(2) of which provides that this 'shall be achieved by 2015 where possible, and [...] by 2020 for all stocks'. This reflects the Union's commitment regarding the conclusions of the 2002 World Summit on Sustainable Development in Johannesburg and the associated plan of implementation. As noted above, MSY information is available for some stocks, including some that are important in terms of catch volumes and commercial value (e.g. hake, cod, anglerfish, sole, megrims, haddock and Norway lobster).

Fishing opportunities for target stocks in the North Sea and Western Waters are to be set on the basis of the relevant MAPs, which define F_{MSY} ranges of fishing mortality and therefore offer a degree of flexibility under specific conditions. The Commission has asked ICES for advice on the basis of which the need for this flexibility can be assessed and the flexibility be implemented. The upper range of F_{MSY} values are used to propose TACs only if, based on scientific advice, fishing opportunities have to be set in accordance with the F_{MSY} ranges in order to:

- achieve the objectives set out in the relevant MAP in the case of mixed fisheries; or
- avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or
- limit high year-to-year fluctuations.

Where the stock's biomass is below the reference points referred to in the relevant MAP, the fishing opportunities should be fixed at a level corresponding to the fishing mortality reduced proportionally taking into account the decrease of the biomass.

In certain cases, achieving MSY may involve reducing fishing mortality rates and/or catches. Accordingly, this proposal makes use of the MSY advice, where available. In line with the CFP objectives, where TACs are proposed on the basis of MSY advice, they correspond to the level that, according to that advice, would ensure delivery of MSY in 2022. This approach is

in line with the principles in the annual Communication *Towards more sustainable fishing in the EU: state of play and orientations for 2022*.

For data-limited stocks, the scientific advisory bodies issue recommendations as to whether to reduce or stabilise catches or allow increases. ICES advice has provided quantitative guidance on such variations and this has been used to set the proposed TACs.

For some stocks (mainly widely distributed stocks, sharks and rays), the ICES advice will be issued in the autumn. This proposal will need to be updated as appropriate once the advice is received.

- **Impact assessment**

The scope of the fishing opportunities regulation is circumscribed by Article 43(3) of the TFEU.

This proposal seeks to avoid short-term approaches in favour of long-term sustainability. It therefore takes account of initiatives by stakeholders and ACs if they have been positively reviewed by ICES and/or the Scientific, Technical and Economic Committee for Fisheries (STECF). The Commission's CFP reform proposal was based on an impact assessment (SEC(2011) 891) that argued that achievement of the MSY objective was a necessary condition for environmental, economic and social sustainability.

As regards RFMO fishing opportunities and stocks that are shared with third countries, this proposal essentially implements internationally agreed measures. Any elements that are relevant to assessing possible impacts of the fishing opportunities are dealt with in the preparation and conduct of international negotiations in which the Union's fishing opportunities are agreed with third parties.

- **Regulatory fitness and simplification**

The proposal provides for simplification of administrative procedures for Union or national public authorities, in particular as regards requirements applying to effort management.

- **Fundamental rights**

Not applicable.

4. BUDGETARY IMPLICATIONS

The proposed measures will have no budgetary implications.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The provisions of the regulation will be implemented and compliance will be monitored in accordance with the CFP.

Proposal for a

COUNCIL REGULATION

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹ requires the adoption of conservation measures taking account of available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, and any advice received from advisory councils.
- (2) It is incumbent on the Council to adopt measures on the fixing and allocation of fishing opportunities, including conditions functionally linked thereto, as appropriate. Under Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities are to be fixed in accordance with the objectives of the common fisheries policy (CFP), as set out in Article 2(2) of that Regulation. In addition, for stocks subject to specific multiannual plans (MAPs), total allowable catches (TACs) should be established in accordance with the targets and measures laid down in those plans. Under Article 16(1) of that Regulation, fishing opportunities are to be allocated among the Member States so as to ensure the relative stability of their respective fishing activities for each fish stock or fishery.
- (3) TACs should therefore be established, in line with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects while ensuring fair treatment between fishing sectors, and in the light of opinions expressed during the consultation of stakeholders, in particular in meetings of the advisory councils.
- (4) Under Article 15 of Regulation (EU) No 1380/2013, all stocks for which there are catch limits have been subject to the landing obligation since 1 January 2019, although

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

certain exceptions may apply. Article 16(2) of that Regulation provides that, where the landing obligation is introduced in respect of a fish stock, fishing opportunities are to reflect catches rather than landings. On the basis of joint recommendations by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission has adopted a number of delegated regulations laying down details for the implementation of the landing obligation in the form of specific discard plans.

- (5) Fishing opportunities for stocks covered by the landing obligation should take account of the fact that discarding is in principle no longer allowed. Therefore, they should be based on the advice figure for total catches (rather than that for wanted catches), as provided by the International Council for the Exploration of the Sea (ICES). The quantities that, by way of exception from the landing obligation may continue to be discarded, should be deducted from that advice figure for total catches.
- (6) There are certain stocks for which ICES has advised zero catches. However, if TACs for those stocks are established at the advised level, the obligation to land all catches, including by-catches from those stocks in mixed fisheries, would give rise to the phenomenon of ‘choke species’. In order to strike a balance between maintaining fisheries (in view of the potentially severe socio-economic implications of failing to do so) and the need to achieve a good biological status for those stocks, taking account of the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield (MSY), it is appropriate to establish specific TACs for by-catches for those stocks. Those TACs should be set at levels that ensure that the mortality for those stocks is decreased and that provide incentives to improve selectivity and to avoid by-catches of those stocks. In order to reduce catches of the stocks for which by-catch TACs are set, fishing opportunities for the fisheries in which fish from those stocks are caught should be set at levels that help the biomass of vulnerable stocks to recover to sustainable levels. Technical and control measures that are intrinsically linked to fishing opportunities should also be established to prevent illegal discarding.
- (7) In order to guarantee to the extent possible the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation (EU) No 1380/2013, it is appropriate to establish a pool for quota exchanges for Member States that have no quota to cover their unavoidable by-catches.
- (8) In accordance with the Western Waters MAP established by Regulation (EU) 2019/472 of the European Parliament and of the Council², the target fishing mortality for the stocks listed in Article 1(1) of that Regulation is to be maintained within the ranges of fishing mortality values resulting in MSY (ranges of F_{MSY}) defined in Article 2 of that Regulation, in accordance with Article 4 thereof. The overall fishing mortality for European seabass (*Dicentrarchus labrax*) in ICES divisions 8a and 8b should therefore be set in line with ICES MSY advice and the F_{MSY} point value, taking into account commercial and recreational catches, and including discards. F_{MSY} point value is the fishing mortality value that gives the long-term MSY. The relevant Member States (France and Spain) should take appropriate

² Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

measures to ensure that the fishing mortality from their fleets and recreational fishers does not exceed the F_{MSY} point value, as required by Article 4(3) of Regulation (EU) 2019/472.

- (9) Measures for recreational fisheries for European seabass should be maintained, in view of the significant impact of recreational fisheries on the stocks concerned. The bag limits should be maintained in line with the scientific advice. Fixed nets should be excluded, as they are not sufficiently selective and likely to catch a number of specimens exceeding the established limits. In view of the environmental, social and economic circumstances, especially the dependency of commercial fishers in coastal communities on the stocks in question, the measures for European seabass strike an appropriate balance between the interests of commercial and recreational fishers. In particular, the measures allow recreational fishers to fish by taking account of their impact on the stocks.
- (10) Scientific advice for stocks of elasmobranchs (skates, sharks, rays) is zero catches, due to their poor conservation status. In addition, high survival rates mean that discarding is not considered to raise their fishing mortality and that it would be beneficial for their conservation. Fishing of such species should therefore be prohibited. Under point (a) of Article 15(4) of Regulation (EU) No 1380/2013, the landing obligation does not apply to species for which fishing is prohibited.
- (11) The North Sea MAP was established by Regulation (EU) 2018/973 of the European Parliament and of the Council³ and entered into force in 2018. The Western Waters MAP was established by Regulation (EU) 2019/472 and entered into force in 2019. Fishing opportunities for stocks listed in Article 1(1) of those plans should be fixed in accordance with the targets (ranges of F_{MSY}) and safeguards provided for in the MAPs. The ranges of F_{MSY} have been set out in the relevant ICES advice. Where no adequate scientific information is available, fishing opportunities for by-catch stocks should be fixed in accordance with the precautionary approach, as set out in the MAPs.
- (12) In accordance with Article 7 of the North Sea MAP, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of the plan is below the limit biomass reference point (B_{lim}), further remedial measures are to be taken to ensure the rapid return of the stock to levels above those capable of producing MSY. In particular, those remedial measures may include suspending the targeted fishery for the stock in question and the adequate reduction of fishing opportunities for those or other stocks in the fisheries.
- (13) The TACs for bluefin tuna in the eastern Atlantic and the Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council⁴.

³ Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

⁴ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

- (14) For stocks for which there is a lack of sufficient or reliable data on which to base stock size estimates, management measures and TAC levels should follow the precautionary approach to fisheries management, as defined in Article 4(1), point (8) of Regulation (EU) No 1380/2013, while taking account of stock-specific factors, (in particular available information on stock trends and mixed fisheries considerations.
- (15) Council Regulation (EC) No 847/96⁵ introduced additional conditions for the year-to-year management of TACs including flexibility provisions for precautionary and analytical TACs (Articles 3 and 4). Under Article 2 of that Regulation, when establishing TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of these. In 2014, another year-to-year flexibility mechanism was introduced under Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. In order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, the achievement of the objectives of the CFP and the biological status of the stocks, Articles 3 and 4 of Regulation (EC) No 847/96 should apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.
- (16) Where a TAC is allocated to one Member State only, it is appropriate to empower that Member State, in accordance with Article 2(1) of the TFEU, to determine its TAC. It should be ensured that, when determining the TAC level, the Member State acts in a manner that is fully consistent with the principles and rules of the CFP.
- (17) It is necessary to establish the fishing effort ceilings for 2022 in accordance with Articles 5, 6, 7 and 9 of, and Annex I to, Regulation (EU) 2016/1627.
- (18) In order to guarantee full use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between certain TAC areas where the same biological stock is concerned.
- (19) For certain species, such as certain species of sharks, even limited fishing activity could give rise to a serious conservation risk. Fishing opportunities for such species should therefore be fully restricted through a general prohibition on fishing them.
- (20) At the 12th Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals (Manila, 23-28 October 2017), a number of species were added to the lists of protected species in Appendices I and II to the Convention. Therefore, it is appropriate to provide for the protection of those species with respect to Union fishing vessels fishing in all waters and non-Union fishing vessels fishing in Union waters.
- (21) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009⁶, and in particular to

⁵ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

⁶ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC)

Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort, and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending the Commission data on landings of stocks subject to this Regulation.

- (22) The Union TAC for Greenland halibut in international waters of ICES subareas 1 and 2 is without prejudice to the Union's position on the appropriate Union share in that fishery.
- (23) [At its annual meeting in 2020, the North-East Atlantic Fisheries Commission (NEAFC) adopted a conservation measure for the two redfish stocks in the Irminger Sea and adjacent waters, prohibiting directed fisheries of those stocks. In addition, in order to minimise by-catches, the NEAFC prohibited fishing activities in the area where redfish aggregates. Those measures, based on the ICES advice for zero catches, should be implemented in Union law. The NEAFC was unable to adopt a recommendation for redfish in ICES subareas 1 and 2. For that stock, the TAC should be established in line with the Union position expressed in the NEAFC.] [*The recital and the relevant provisions will be updated after the NEAFC annual meeting.*]
- (24) [Due to the COVID-19 pandemic, the International Commission for the Conservation of Atlantic Tunas (ICCAT) annual meeting for 2020 was replaced by a process of decision-making by correspondence, which started in October 2020 and which should end in early January 2021. One of the main objectives of the process was to allow the rollover of existing measures ending in 2020, with minor technical adaptations where necessary.] [*The recital and the relevant provisions will be updated after the ICCAT annual meeting.*]
- (25) [ICCAT Recommendation 19-04 for a management plan for bluefin tuna establishes a TAC for 2019 and 2020 only. ICCAT has still to take a decision on the TAC level for 2021. Considering the decision-making process used in 2020, it has been proposed to follow the scientific advice, which recommends that the TAC be maintained at 36 000 t. While there seems to be consensus on the level of the TAC, there is a risk that ICCAT will not formally adopt it before this Regulation is adopted. The TAC should therefore be established at that level, but revised as soon as possible if ICCAT adopts a different TAC.] [*The recital and the relevant provisions will be updated after the ICCAT annual meeting.*]
- (26) [During the 2020 ICCAT decision-making process, the Union proposed a comprehensive plan that included a TAC aimed at stopping immediately the overfishing of shortfin mako in the North Atlantic, together with a series of flanking measures to reduce its mortality further. Given the absence of consensus in ICCAT, the dire situation of that stock and the fact that the Union is responsible for two thirds of the catch level, the Union should establish a unilateral catch limit for that species, corresponding to its share of the overall limit, as required by the scientific committee at ICCAT level.] [*The recital and the relevant provisions will be updated after the ICCAT annual meeting.*]

No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (27) [ICCAT Recommendation 17-04 on a harvest control rule (HCR) for North Atlantic albacore establishes a TAC for 2018–2020 only. ICCAT has still to take a decision on the TAC for 2021. Considering the decision-making process used in 2020, it has been proposed to follow the scientific advice, which recommends establishing the new TAC on the basis of the current interim HCR and implementing a pro-rata increase in the catch and other limits for one year only. While there seems to be consensus on the level of the TAC, there is a risk that ICCAT will not formally adopt it before this Regulation is adopted. The TAC should therefore be established at that level, but revised as soon as possible if ICCAT adopts a different TAC.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (28) [Considering the decision-making process used in 2020, ICCAT has not yet formally adopted the TACs for bigeye tuna, yellowfin tuna, blue marlin and white marlin. While there seems to be consensus on the level of the TACs, there is a risk that ICCAT will not formally adopt them before this Regulation is adopted. The TACs should therefore be established at that level, but revised as soon as possible if ICCAT adopts different TACs.] *[The recital and the relevant provisions will be updated after the ICCAT annual meeting.]*
- (29) [At its 2020 annual meeting, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for target and by-catch species for the period from 1 December 2020 to 30 November 2021. The uptake of the corresponding quotas in 2020 should be considered when fixing fishing opportunities for 2021.] *[The recital and the relevant provisions will be updated after the CCAMLR annual meeting.]*
- (30) [At its 2020 annual meeting, the Indian Ocean Tuna Commission (IOTC) maintained the previously adopted conservation and management measures. Those measures should continue to be implemented in Union law.] *[The recital and the relevant provisions will be updated after the IOTC annual meeting.]*
- (31) [The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 21 January to 1 February 2021. The current measures in the SPRFMO Convention Area should be provisionally maintained until the annual meeting is held.] *[The recital and the relevant provisions will be updated after the SPRFMO annual meeting.]*
- (32) [At its 2020 annual meeting, the Inter-American Tropical Tuna Commission (IATTC) did not reach consensus on the extension of the most recent tropical tuna measure, which expired on 31 December 2020. As a result, the tropical tuna fishery in the Eastern Pacific Ocean will not be regulated as from 1 January 2021. In view of the precautionary principle under the CFP, it is appropriate that the Union continue to apply the provisions on tropical tuna in Council Regulation (EU) 2020/123⁷ until the IATTC agrees on a new measure.] *[The recital and the relevant provisions will be updated after the IATTC annual meeting.]*

⁷ 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 (OJ L 25, 30.1.2020, p. 1).

- (33) [At its 2020 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed for 2021 the TAC for the southern bluefin tuna, as adopted at its 2016 annual meeting. The relevant measures should be implemented in Union law.] [*The recital and the relevant provisions will be updated after the CCSBT annual meeting.*]
- (34) [At its 2020 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain, until its 2021 annual meeting, the 2020 TACs for the main species under its purview. The relevant measures should be implemented in Union law.] [*The recital and the relevant provisions will be updated after the SEAFO annual meeting.*]
- (35) [At its 2020 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) extended the conservation and management measures for tropical tunas. It also clarified the catch limits applicable to Union longliners fishing for bigeye tuna. Those measures should be implemented in Union law.] [*The recital and the relevant provisions will be updated after the WCPFC annual meeting.*]
- (36) [At its 42nd annual meeting in 2020, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2021 for certain stocks in subareas 1 to 4 of the NAFO Convention Area. Those measures should be implemented in the Union law.] [*The recital and the relevant provisions will be updated after the NAFO annual meeting.*]
- (37) [At its 7th meeting in 2020, the Southern Indian Ocean Fisheries Agreement (SIOFA) maintained the TACs adopted in 2019 for the stocks covered by the Agreement. Those measures should be implemented in Union law.] [*The recital and the relevant provisions will be updated after the SIOFA annual meeting.*]
- (38) [The Treaty of 9 February 1920 relating to Spitsbergen (Svalbard) (the 1920 Treaty of Paris) grants equal and non-discriminatory access to resources around Svalbard for all parties to the Treaty, including with respect to fishing. The Union's position on such access, to the snow crab fishery on the continental shelf around Svalbard, has been set out in several *notes verbales* to Norway, the latest of which were dated 26 February 2021 and 28 June 2021. In order to ensure that the exploitation of snow crab around Svalbard is brought into line with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area within the limits of the Paris Treaty, it is appropriate to fix the number of vessels that are authorised to conduct such fishery. The allocation of such fishing opportunities among Member States is limited to 2022. It is recalled that, in the Union, primary responsibility for ensuring compliance with applicable law lies with the flag Member States.]
- (39) In accordance with the Union's Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in Union waters to fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French

Guiana⁸, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.

- (40) Given that certain provisions should be applied on a continuous basis, and in order to avoid legal uncertainty in the period between the end of 2022 and the date of entry into force of the Regulation fixing the fishing opportunities for 2023, the provisions of this Regulation concerning prohibitions and closed seasons should continue to apply at the beginning of 2023, until the entry into force of the Regulation fixing the fishing opportunities for 2023.
- (41) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to authorise individual Member States to manage fishing effort allocations in accordance with a kilowatt days system. The Commission should exercise those powers in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁹.
- (42) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to grant additional days at sea for the permanent cessation of fishing activities and for enhanced scientific observer coverage, and to establish spreadsheet formats for the collection and transmission of information on transfers of days at sea between fishing vessels flying the flag of a Member State. The Commission should exercise those powers in accordance with Regulation (EU) No 182/2011.
- (43) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishers, this Regulation should apply from 1 January 2022, except for the provisions on fishing effort limits, which should apply from 1 February 2022, and certain provisions on particular regions, which should have a specific date of application. For reasons of urgency, this Regulation should enter into force immediately after its publication.
- (44) Certain international measures that create or restrict fishing opportunities for the Union are adopted by the relevant regional fisheries management organisations (RFMOs) at the end of the year and will become applicable before the entry into force of this Regulation. The provisions that implement such measures in Union law should therefore apply retroactively. In particular, as the fishing season in the CCAMLR Convention Area runs from 1 December to 30 November, and as certain fishing opportunities or prohibitions in the CCAMLR Convention Area are laid down for a period starting from 1 December 2021, the relevant provisions of this Regulation should apply from that date. Such retroactive application does not prejudice the principle of legitimate expectations as it is forbidden for CCAMLR members to fish in the CCAMLR Convention Area without authorisation.

⁸ 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).

⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (45) [In accordance with the procedure provided for in the Agreement and Protocol on fisheries relations with Greenland, the Joint Committee has established the level of fishing opportunities available for the Union in Greenland waters in 2022¹⁰.] [*The recital and the relevant provisions will be updated after the relevant consultations.*]

HAS ADOPTED THIS REGULATION:

TITLE I GENERAL PROVISIONS

Article 1 Subject matter

1. This Regulation fixes fishing opportunities available in Union waters and to Union fishing vessels in certain non-Union waters, for certain fish stocks and groups of fish stocks.
2. The fishing opportunities referred to in paragraph 1 include:
 - (a) catch limits for the year 2022 and, where specified in this Regulation, for the year 2023;
 - (b) fishing effort limits for the year 2022, except the fishing effort limits set out in Annex II, which will apply from 1 February 2022 to 31 January 2023;
 - (c) fishing opportunities for the period from 1 December 2021 to 30 November 2022 for certain stocks in the CCAMLR Convention Area.

Article 2 Scope

1. This Regulation applies to the following vessels:
 - (a) Union fishing vessels;
 - (b) third-country vessels in Union waters.
2. This Regulation also applies to:
 - (a) certain recreational fisheries, as expressly referred to in the relevant provisions of this Regulation;
 - (b) commercial fisheries from shore.

¹⁰ Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (OJ L 172, 30.6.2007, p. 4) and Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement (OJ L 293, 23.10.2012, p. 5).

Article 3
Definitions

For the purposes of this Regulation, the definitions in Article 4 of Regulation (EU) No 1380/2013 shall apply. In addition, the following definitions shall apply:

- (a) ‘third-country vessel’ means a fishing vessel flying the flag of, and registered in, a third country;
- (b) ‘recreational fisheries’ means non-commercial fishing activities exploiting marine biological resources in the context of recreation, tourism or sport;
- (c) ‘international waters’ means waters outside the sovereignty or jurisdiction of any state;
- (d) ‘total allowable catch’ (TAC) means:
 - (i) in fisheries subject to the exemption from the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (e) ‘quota’ means a proportion of a TAC that is allocated to the Union, a Member State or a third country;
- (f) ‘analytical assessment’ means quantitative evaluation of trends in a given stock, based on data about the stock’s biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (g) ‘mesh size’ means the mesh size of fishing nets as defined in Article 6, point (34) of Regulation (EU) 2019/1241 of the European Parliament and of the Council¹¹;
- (h) ‘Union fishing fleet register’ means the register set up by the Commission pursuant to Article 24(3) of Regulation (EU) No 1380/2013;
- (i) ‘fishing logbook’ means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009;
- (j) ‘instrumented buoy’ means a buoy clearly marked with a unique reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position;

¹¹ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

- (k) ‘operational buoy’ means any instrumented buoy, previously activated, switched on and deployed at sea on a drifting fish aggregating device (FAD) or log, which transmits positions and other available information such as echo-sounder estimates;
- (l) ‘F_{MSY} point value’ is the value of the estimated fishing mortality that with a given fishing pattern and under current average environmental conditions gives the long-term maximum sustainable yield.

Article 4
Fishing zones

For the purposes of this Regulation, the following zone definitions apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council¹²;
- (b) ‘Skagerrak’ means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;
- (c) ‘Kattegat’ means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) ‘functional unit 16 of ICES subarea 7’ means the geographical area bounded by rhumb lines sequentially joining the following positions:
 - 53° 30' N 15° 00' W,
 - 53° 30' N 11° 00' W,
 - 51° 30' N 11° 00' W,
 - 51° 30' N 13° 00' W,
 - 51° 00' N 13° 00' W,
 - 51° 00' N 15° 00' W;
- (e) ‘functional unit 25 of ICES division 8c’ means the geographical sea area bounded by rhumb lines sequentially joining the following positions:

¹² Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

- 43° 00' N 9° 00' W,
- 43° 00' N 10° 00' W,
- 43° 30' N 10° 00' W,
- 43° 30' N 9° 00' W,
- 44° 00' N 9° 00' W,
- 44° 00' N 8° 00' W,
- 43° 30' N 8° 00' W;

(f) ‘functional unit 26 of ICES division 9a’ means the geographical area bounded by rhumb lines sequentially joining the following positions:

- 43° 00' N 8° 00' W,
- 43° 00' N 10° 00' W,
- 42° 00' N 10° 00' W,
- 42° 00' N 8° 00' W;

(g) ‘functional unit 27 of ICES division 9a’ means the geographical area bounded by rhumb lines sequentially joining the following positions:

- 42° 00' N 8° 00' W,
- 42° 00' N 10° 00' W,
- 38° 30' N 10° 00' W,
- 38° 30' N 9° 00' W,
- 40° 00' N 9° 00' W,
- 40° 00' N 8° 00' W;

(h) ‘functional unit 30 of ICES division 9a’ means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of ICES division 9a;

- (i) ‘functional unit 31 of ICES division 8c’ means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43° 30' N 6° 00' W,
 - 44° 00' N 6° 00' W,
 - 44° 00' N 2° 00' W,
 - 43° 30' N 2° 00' W;
- (j) ‘Gulf of Cádiz’ means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;
- (k) ‘CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention Area’ is the geographical area defined in point (a) of Article 2 of Council Regulation (EC) No 601/2004¹³;
- (l) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council¹⁴;
- (m) ‘IATTC (Inter-American Tropical Tuna Commission) Convention Area’ is the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica¹⁵;
- (n) ‘ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention Area’ is the geographical area defined in the International Convention for the Conservation of Atlantic Tunas¹⁶;
- (o) ‘IOTC (Indian Ocean Tuna Commission) Area of Competence’ is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission¹⁷;

¹³ Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

¹⁴ Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

¹⁵ The Union approved the Convention for the Strengthening of IATTC by means of Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

¹⁶ The Union acceded to the ICCAT by means of Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

- (p) NAFO (Northwest Atlantic Fisheries Organisation) areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council¹⁸;
- (q) ‘SEAFO (South East Atlantic Fisheries Organisation) Convention Area’ is the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean¹⁹;
- (r) ‘SIOFA (Southern Indian Ocean Fisheries Agreement) Agreement Area’ is the geographical area defined in the Southern Indian Ocean Fisheries Agreement²⁰;
- (s) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area’ is the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean²¹;
- (t) ‘WCPFC (Western and Central Pacific Fisheries Commission) Convention Area’ is the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean²²;
- (u) ‘high seas of the Bering Sea’ is the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial seas of the coastal States of the Bering Sea is measured;
- (v) ‘overlap area between IATTC and WCPFC Convention Areas’ is the geographical area defined by the following limits:
 - longitude 150° W,
 - longitude 130° W,
 - latitude 4° S,

¹⁷ The Union acceded to the IOTC by means of Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).

¹⁸ Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

¹⁹ The Union approved the SEAFO Convention by means of Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

²⁰ The Union approved the SIOFA by means of Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

²¹ The Union approved the SPRFMO Convention by means of Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

²² The Union acceded to the WCPFC by means of Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

- latitude 50° S.

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 and certain non-Union waters, their allocation among Member States and the conditions functionally linked thereto, where appropriate, are set out in Annex I.
2. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the Faroe Islands, Greenland, Norway, and the fishing zone around Jan Mayen, subject to the TACs in Annex I to this Regulation, and subject to the conditions under Article 16 and Part A of Annex V of this Regulation, and under Regulation (EU) 2017/2403 of the European Parliament and of the Council²³ and its implementing provisions.
3. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the United Kingdom (UK), subject to the TACs in Annex I to this Regulation, and subject to the conditions under Article 16 of this Regulation and under Regulation (EU) 2017/2403 and its implementing provisions.

Article 6

TACs to be determined by Member States

1. The TACs for certain fish stocks, as identified in Annex I, shall be determined by the Member State concerned.
2. The TACs to be determined by a Member State shall:
 - (a) be consistent with CFP principles and rules, in particular the principle of sustainable exploitation of the stock;
 - (b) result in an exploitation of the stock that is:

²³ 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).

- (i) if an analytical assessment is available, in line with maximum sustainable yield, with as high a probability as possible; or
 - (ii) if an analytical assessment is unavailable or incomplete, consistent with the precautionary approach to fisheries management.
- 3. By 15 March 2022, each Member State concerned shall submit the following information to the Commission:
 - (a) the TACs that it has determined;
 - (b) the data that it has collected and assessed, as used as a basis for the TACs;
 - (c) details as to how the determined TACs 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 that has a quota and that has not been exhausted; or
 - (b) make up a share of a Union quota that has not been allocated among Member States and that has not been exhausted.
- 2. For the purposes of the derogation from the obligation to count catches against the relevant quotas, provided for in Article 15(8) of Regulation (EU) No 1380/2013, the stocks of non-target species within safe biological limits referred to in that Article are identified in Annex I to this Regulation.

Article 8
Quota-exchange mechanism for TACs for unavoidable by-catches

- 1. In order to take account of 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 to 5 shall apply to the TACs identified in Annex IA.
- 2. 6% of each quota allocated to a Member State 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 shall be made available for a pool for quota exchanges, which shall open as of 1 January 2022. Member States without the quota shall have exclusive access to the pool until 31 March 2022.
- 3. The quantities drawn from the pool may not be exchanged or transferred to the following year. After 31 March 2022, any unused quantities shall be returned to the Member States that initially contributed to the pool.

4. Member States without the quota shall provide in return quotas for stocks listed in the Appendix to Annex IA, unless the Member State without the quota and the Member State contributing to the pool agree otherwise.
5. It shall be ensured, on the basis of a market exchange rate or other mutually acceptable exchange rates, that the quotas referred to in paragraph 4 are of equivalent commercial value. In the absence of alternatives, commercial value shall be determined on the basis of average Union prices from the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products.
6. Where the quota-exchange mechanism set out in paragraphs 2 to 5 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.

Article 9
Fishing effort limits in ICES division 7e

1. For the period referred to in point (b) of Article 1(2), the technical aspects of the rights and obligations for the management of the sole stock in ICES division 7e are set out in Annex II.
2. At the request of a Member State in accordance with point 7.4 of Annex II, the Commission may, by means of implementing acts, allocate it a number of days at sea in addition to those referred to in point 5 of Annex II, on which it may authorise a vessel under its flag to be present in ICES division 7e when carrying on board any regulated gear. The Commission shall adopt such implementing acts in accordance with the examination procedure referred to in Article 52(2).
3. The Commission may, by means of implementing acts, allocate a requesting Member State a maximum of three days between 1 February 2022 and 31 January 2023, in addition to those referred to in point 5 of Annex II, on which a vessel may be present in ICES division 7e on the basis of an enhanced programme of scientific observer coverage, as referred to in point 8.1 of Annex II. It shall make such an allocation on the basis of the description submitted by that Member State in accordance with point 8.3 of Annex II and following consultation with the STECF. The Commission shall adopt such implementing acts in accordance with the examination procedure referred to in Article 52(2).

Article 10
Measures on European seabass fisheries in ICES divisions 8a and 8b

1. France and Spain shall ensure that fishing mortality of the European seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries do not exceed the F_{MSY} point value, as required by Article 4(3) of Regulation (EU) 2019/472.
2. 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

fisher per day. This paragraph shall not apply to fixed nets, which shall not be used to catch or retain European seabass.

3. Paragraph 2 shall apply without prejudice to more stringent national measures on recreational fisheries.

Article 11

Special provisions on allocations of fishing opportunities

1. The allocation of the fishing opportunities among Member States set out in this Regulation shall be without prejudice to:
 - (a) exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
 - (b) deductions and reallocations pursuant to Article 37 of Regulation (EC) No 1224/2009;
 - (c) reallocations pursuant to Articles 12 and 47 of Regulation (EU) 2017/2403;
 - (d) additional landings 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 pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
 - (g) quota transfers and exchanges pursuant to Article 17 of this Regulation.
2. Stocks subject to precautionary or analytical TACs for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96 are identified in Annex I to this Regulation.
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 Articles 3(2), 3(3) and 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 12

Remedial measures for cod in the North Sea

1. 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.
2. Vessels fishing with bottom trawls and seines with minimum mesh size of at least 70 mm in ICES divisions 4a and 4b or at least 90 mm in ICES division 3a, and

longlines²⁴ shall be prohibited from fishing in Union waters of ICES division 4a, north of latitude 58° 30' 00" N and south of latitude 61° 30' 00" N and in Union waters of ICES divisions 3a.20 (Skagerrak), 4a and 4b, north of latitude 57° 00' 00" N and east of longitude 5° 00' 00" E.

3. By way of derogation from paragraph 2, fishing vessels referred to in that paragraph may fish in the areas referred to in that paragraph provided that they fulfil at least one of the following criteria:
- (a) their cod catches do not account for more than 5% of their total catches per fishing trip. Vessels whose cod catches did not exceed 5% of their total catches in 2017–2019 are presumed to comply with this criterion provided that they continue to use the same gear that they used in that period. This presumption may be rebutted;
 - (b) a regulated and highly selective bottom trawl or seine is used, resulting, according to a scientific study, in at least a 30% reduction in cod catches compared to vessels fishing with the baseline mesh size for towed gears, as specified in point 1.1 of Part B of Annex V to Regulation (EU) 2019/1241. Such studies may be evaluated by the STECF and in the case of a negative evaluation, the gears in question shall no longer be considered valid for use in the areas referred to in paragraph 2 of this Article;
 - (c) for vessels operating with bottom trawls and seines with mesh sizes equal to or larger than 100 mm (TR1), the following highly selective gears are used:
 - (i) belly trawls with a minimum belly mesh size of 600 mm;
 - (ii) raised fishing line (0,6 m);
 - (iii) horizontal separating panel with large mesh escape panel;
 - (d) for vessels operating with bottom trawls and seines with mesh sizes equal to or larger than 70 mm in ICES division 4a and 90 mm in ICES division 3a, and less than 100 mm (TR2), the following highly selective gears are used:
 - (i) horizontal sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
 - (ii) Seltra panel with 300 mm square-mesh size;
 - (iii) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
 - (e) vessels are subject to a national cod avoidance plan to sustain cod catches in line with the fishing mortality corresponding to the fishing opportunities fixed, based on scientific advice levels, through spatial or technical measures, or a combination thereof. Such plans shall be assessed no later than two months following their implementation, by the STECF in the case of Member States or

²⁴ Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB, SDN, SSC, SX, LL, LLS.

the relevant national scientific body in the case of third countries, and, where deemed necessary, further revised if such assessments find that the plan objective will not be met.

4. Member States shall enhance the monitoring, control and surveillance of vessels referred to in paragraph 2 for compliance with the conditions in paragraph 3.
5. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that the investigations are carried out in full compliance with Article 25 of Regulation (EU) 2019/1241.]

Article 13

Remedial measures for cod in the Kattegat

1. Union vessels fishing in the Kattegat with bottom trawls²⁵ with minimum mesh size of 70 mm shall use one of the following selective gears:
 - (a) sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
 - (b) 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) regulated highly selective gear, the technical attributes of which result, according to a scientific study assessed by the STECF, in catches of less than 1,5% of cod, provided it is the only gear that the vessel carries on board.
2. Union vessels participating in a project run by a Member State and having functioning equipment for fully documented fisheries may use a gear in accordance with Part B of Annex V to Regulation (EU) 2019/1241. The Member State in question shall communicate a list of such vessels to the Commission.
3. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that the investigations are carried out in full compliance with Article 25 of Regulation (EU) 2019/1241.

Article 14

Prohibited species

1. Union fishing vessels shall not fish for, retain on board, tranship or land the following species:
 - (a) starry ray (*Raja radiata*) in Union waters of ICES divisions 2a, 3a and 7d, and ICES subarea 4;
 - (b) splendid alfonsino (*Beryx splendens*) in NAFO subarea 6;

²⁵ Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB.

- (c) leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and ICES subarea 4, and in Union and international waters of ICES subareas 1 and 14;
 - (d) Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and ICES subarea 4, and in Union and international waters of ICES subareas 1 and 14;
 - (e) kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and ICES subarea 4, and in Union and international waters of ICES subareas 1 and 14;
 - (f) birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and ICES subarea 4, and in Union and international waters of ICES subareas 1 and 14;
 - (g) 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;
 - (h) great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and ICES subarea 4, and in Union and international waters of ICES subareas 1 and 14;
 - (i) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and ICES subarea 4, and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
 - (j) porbeagle (*Lamna nasus*) in all waters;
 - (k) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
 - (l) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
 - (m) whale shark (*Rhincodon typus*) in all waters;
 - (n) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
 - (o) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10, except in the context of avoidance programmes as set out in Annex IA.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

Article 15
Data transmission

When Member States submit to the Commission data relating to landings and fishing effort pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, they shall use the stock codes set out in Annex I to this Regulation.

Chapter II

Fishing authorisations in third-country waters

Article 16

Fishing authorisations

1. The maximum numbers of fishing authorisations for Union fishing vessels in third-country waters, where applicable, are set out in Part A of Annex V.
2. Where one Member State transfers quota to another ('swap') in the fishing areas set out in Part A of Annex V to this Regulation in accordance with Article 16(8) of Regulation (EU) No 1380/2013, the transfer shall include an appropriate transfer of fishing authorisations and be notified to the Commission. The total number of authorisations for each fishing area, as set out in Part A of Annex V to this Regulation, shall not be exceeded.

Chapter III

Fishing opportunities in waters of regional fisheries management organisations

SECTION 1

GENERAL PROVISIONS

Article 17

Quota transfers and exchanges

1. Where regional fisheries management organisation's (RFMO's) rules permit quota transfers or exchanges between contracting parties to the RFMO, a Member State ('the Member State concerned') may discuss with a Contracting Party to the RFMO and, as appropriate, establish a possible outline of an intended quota transfer or exchange. The Member State concerned shall notify the Commission of the outline.
2. On being notified by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange. The Commission shall in case of endorsement, and without undue delay, express consent to be bound by the intended quota transfer or exchange. It shall notify the RFMO's secretariat of the transfer or exchange in accordance with the RFMO's rules.
3. The Commission shall inform the Member States of the agreed quota transfer or exchange.
4. The fishing opportunities received or transferred by the Member State concerned under the quota transfer or exchange shall be deemed to be quotas added to or deducted from its allocation as of the moment the transfer or exchange takes effect under the terms of the agreement with the Contracting Party to the RFMO or in

accordance with the RFMO's rules, as appropriate. This shall not affect the distribution key for allocating fishing opportunities among Member States in line with the principle of relative stability of fishing activities.

5. This Article shall apply until 31 January 2023 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

[Sections 2-11 below will be updated after the relevant annual meetings of the RFMOs]

SECTION 2

NEAFC CONVENTION AREA

Article 18

Closures for redfish in the Irminger

All fishing activities shall be prohibited in the area bounded by following coordinates measured according to the WGS84 system:

Latitude	Longitude
63° 00'	- 30° 00'
61° 30'	- 27° 35'
60° 45'	- 28° 45'
62° 00'	- 31° 35'
63° 00'	- 30 °00'

SECTION 3

ICCAT CONVENTION AREA

Article 19

Fishing, farming and fattening capacity limitations

1. The 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 shall be limited as set out in point 1 of Annex VI.
2. The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex VI.
3. The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex VI.

4. The number of fishing vessels authorised to fish for, retain on board, tranship, transport or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex VI.
5. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI.
6. The bluefin tuna total farming and fattening capacity, and the maximum input of wild-caught bluefin tuna allocated to farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex VI.
7. The maximum number of Union fishing vessels authorised to fish for northern albacore as a target species in accordance with Article 12 of Council Regulation (EC) No 520/2007²⁶ shall be limited as set out in point 7 of Annex VI to this Regulation.
8. The maximum number of Union fishing vessels of at least 20 m length fishing for bigeye tuna in the ICCAT Convention Area shall be limited as set out in point 8 of Annex VI.

Article 20
Recreational fisheries

Where appropriate, Member States shall allocate a specific share from their allocated quotas to recreational fisheries, as set out in Annex ID.

Article 21
Sharks

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery.
2. It shall be prohibited to engage in directed fishery for species of thresher sharks of the *Alopias* genus.
3. It shall be prohibited to retain on board, tranship or land any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except *Sphyrna tiburo*) caught in fisheries in the ICCAT Convention Area.
4. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery.
5. It shall be prohibited to retain on board silky sharks (*Carcharhinus falciformis*) caught in any fishery.

²⁶ Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

SECTION 4 CCAMLR CONVENTION AREA

Article 22

Exploratory fisheries notifications for toothfish

Member States may participate in longline exploratory fisheries for toothfishes (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2 as well as in FAO divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2022. Member States intending to do so shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 no later than 1 June 2022.

Article 23

Limits on exploratory fisheries for toothfish

1. Fishing for toothfish in the 2021–2022 fishing season shall be limited to the Member States, subareas and number of vessels set out in Table A in Annex VII for the species, TACs and by-catch limits set out in Table B in that Annex.
2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.
3. Where applicable, fishing in any small-scale research unit (SSRU) shall cease when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the season.
4. Fishing shall take place over as large a geographical and bathymetric range as possible, so as to obtain the information necessary to determine fishery potential and avoid an over-concentration of catch and fishing effort. However, fishing in FAO subareas 88.1 and 88.2 as well as in FAO divisions 58.4.1, 58.4.2 and 58.4.3a, where permitted under Article 22, shall be prohibited in depths of less than 550 m.

Article 24

Krill fishery during the 2021-2022 fishing season

1. Member States intending to fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2021-2022 fishing season shall notify the Commission thereof no later than 1 May 2022, using the form in Part B of the Appendix to Annex VII. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2022.
2. The Member States' notification referred to in paragraph 1 shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each vessel to be authorised to participate in the krill fishery.

3. A Member State intending to fish for krill in the CCAMLR Convention Area shall notify its intention to do so only in respect of authorised vessels that comply with either of the following:
 - (a) flying its flag at the time of the notification;
 - (b) flying the flag of another CCAMLR member at the time of the notification and expected to be flying the flag of the Member State in question at the time the fishery takes place.
4. Where an authorised vessel, as notified to the CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3, is prevented from participating in a krill fishery due to legitimate operational reasons or *force majeure*, the Member State in question shall be entitled to authorise its replacement by another vessel. In such circumstances, the Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:
 - (a) full details of the intended replacement vessel(s), including the information provided for in Article 3 of Regulation (EC) No 601/2004;
 - (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
5. Member States shall not authorise a vessel placed on any CCAMLR illegal, unreported and unregulated (IUU) fishing vessel list to participate in krill fisheries.

SECTION 5

IOTC AREA OF COMPETENCE

Article 25

Limitation of fishing capacity of vessels fishing in the IOTC Area of Competence

1. The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VIII.
2. The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VIII.
3. Member States may reallocate vessels assigned to one of the fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that such change does not lead to an increase of fishing effort in respect of the fish stocks in question.
4. Where there is a proposed transfer of capacity to their fleet, Member States shall ensure that vessels to be transferred are on the IOTC record of authorised vessels or on the record of vessels of other tuna RFMOs. Vessels that appear on any RFMO's list of vessels that have engaged in IUU fishing activities may not be transferred.

5. Member States may increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 only within the limits set out in the development plans submitted to the IOTC.

Article 26
Drifting FADs and supply vessels

1. Drifting FADs shall be equipped with instrumented buoys. The use of any other buoys, such as radio buoys, shall be prohibited.
2. A purse-seine vessel shall follow no more than 300 operational buoys at any time.
3. No more than 500 instrumented buoys shall be acquired annually for each purse-seine vessel. No purse-seine vessel shall have more than 500 instrumented buoys (in stock and operational) at any time.
4. No more than two supply vessels shall operate in support of no less than five purse-seine vessels, all flying the flag of a Member State. This provision shall not apply to Member States using only one supply vessel.
5. A single purse-seine vessel shall not be supported by more than one supply vessel flying the flag of a Member State at any time.
6. The Union shall not register new or additional supply vessels in the IOTC record of authorised vessels.

Article 27
Sharks

1. It shall be prohibited to retain on board, tranship or land any part or whole carcass of thresher sharks of all species of the *Alopiidae* family in any fishery.
2. It shall be prohibited to retain on board, tranship or land any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery, except for vessels under 24 m overall length engaged solely in fishing operations in their flag Member State's exclusive economic zone (EEZ), provided that their catch is destined solely for local consumption.
3. When accidentally caught, specimens of the species referred to in paragraphs 1 and 2 shall not be harmed and shall be promptly released.

Article 28
Mobulid rays

1. Union fishing vessels shall not fish for, retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of Mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*), except where the fish caught are consumed directly by the fishers' families ('subsistence fishery').

By way of derogation from the first subparagraph, Mobulid rays that are unintentionally caught through artisanal fishing, using purse seines, pole and line, gillnet fisheries, handline and trolling vessels registered in the IOTC record of authorised vessels, may be landed for purposes of local consumption.

2. All fishing vessels, other than those engaged in subsistence fishery, shall promptly release Mobulid rays alive and unharmed, to the extent practicable, as soon as they are seen in the net, on the hook or on the deck, in a manner that will result in the least possible harm to the specimens in question.

SECTION 6

SPRFMO CONVENTION AREA

Article 29

Pelagic fisheries

1. Only those Member States that have actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IH.
2. The Member States referred to in paragraph 1 shall limit the total gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2022 to the total Union level of 78 600 gross tonnage in that area.
3. The Member States in question may use the fishing opportunities set out in Annex IH only if they send the following information to the Commission by the fifth day of the following month, so that the Commission can communicate it to the SPRFMO Secretariat:
 - (a) a list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention Area;
 - (b) records from vessel monitoring systems;
 - (c) monthly catch reports;
 - (d) where available, records of port calls.

Article 30

Bottom fisheries

1. Member States shall limit their bottom fishing catch or effort in 2022 in the SPRFMO Convention Area to those parts of it in which bottom fishing occurred between 1 January 2002 and 31 December 2006 and to the annual average catch levels or effort parameters in that period ('track record'). They may exceed those limits if the SPRFMO endorses their plan to fish beyond the track record.

2. Member States without a track record in bottom fishing catch or effort in the SPRFMO Convention Area between 1 January 2002 and 31 December 2006 shall not fish there, unless the SPRFMO endorses their plan to fish without a track record.

Article 31
Exploratory fisheries

1. Member States may not participate in longline exploratory fisheries for toothfishes (*Dissostichus* spp.) in the SPRFMO Convention Area in 2022 unless the SPRFMO has approved their application for such fisheries, which shall include a fisheries operation plan and a commitment to implement a data collection plan.
2. Fishing shall take place only in the research blocks specified by the SPRFMO. Fishing shall be prohibited in depths of less than 750 m and more than 2000 m.
3. The TAC is set out in Annex IH. Fishing shall be limited to one trip of a maximum duration of 21 consecutive days and to a maximum number of 5 000 hooks per set, with no more than 20 sets per research block. Fishing shall cease when the TAC is reached or when 100 sets have been set and hauled, whichever is earlier.

SECTION 7
IATTC CONVENTION AREA

Article 32
Purse-seine fisheries

1. Purse-seine vessels shall not fish for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) or skipjack tuna (*Katsuwonus pelamis*) during one of the following closure periods in the areas specified:
 - (a) from 00.00 hours on 29 July 2022 to 24.00 hours on 8 October 2022 or from 00.00 hours on 9 November 2022 to 24.00 hours on 19 January 2023 in the area defined by the following limits:
 - the Pacific coastlines of the Americas;
 - longitude 150° W;
 - latitude 40° N;
 - latitude 40° S;
 - (b) from 00.00 hours on 9 October 2022 to 24.00 hours on 8 November 2022 in the area defined by the following limits:
 - longitude 96° W;

- longitude 110° W;
 - latitude 4° N;
 - latitude 3° S.
2. For each of the vessels in question, the flag Member State shall inform the Commission before 1 April 2022 which of the closure periods referred to in point (a) of paragraph 1 it has selected.
 3. Purse-seine vessels fishing for tuna in the IATTC Convention Area shall retain on board and then land or tranship all yellowfin, bigeye and skipjack tuna that they have caught.
 4. Paragraph 3 shall not apply:
 - (a) where the fish is considered unfit for human consumption for reasons other than size;
 - (b) during the final set of a trip, when there may be insufficient remaining well space to accommodate all the tuna caught in that set.

*Article 33
Drifting FADs*

1. A purse-seine vessel shall have no more than 450 FADs active at any time in the IATTC Convention Area. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall be activated only on board a purse-seine vessel.
2. During the 15 days before the start of the selected closure period referred to in point (a) of Article 32(1) a purse seine vessel shall in the IATTC Convention Area:
 - (a) refrain from deploying FADs;
 - (b) recover the same number of FADs as initially deployed.
3. Member States shall report to the Commission, on a monthly basis, daily information on all active FADs, as required by the IATTC. The reports shall be submitted not earlier than 60 days from and not later than 75 days after the end of the reported month. The Commission shall transmit the information to the IATTC Secretariat without delay.

*Article 34
Catch limits for bigeye tuna in longline fisheries*

The total annual catches of bigeye tuna in the IATTC Convention Area by each Member State's longline vessels are set out in Annex IL.

Article 35
Prohibition of fishing for oceanic whitetip sharks

1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention Area and to retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of oceanic whitetip sharks caught in that area.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released by vessel operators.
3. Vessel operators shall:
 - (a) record the number of releases with indication of status (dead or alive);
 - (b) report the information in point (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January.

Article 36
Prohibition of fishing for Mobulid rays

Union fishing vessels in the IATTC Convention Area shall not fish for, retain on board, tranship, land, store, offer for sale or sell any part or whole carcass of Mobulid rays (*Mobulidae* family, including the genera *Manta* and *Mobula*). As soon as they notice that Mobulid rays have been caught, they shall, where possible, promptly release them alive and unharmed.

SECTION 8
SEAFO CONVENTION AREA

Article 37
Prohibition of fishing for deep-water sharks

Directed fishing for the following deep-water sharks in the SEAFO Convention Area shall be prohibited:

- (a) ghost catshark (*Apristurus manis*);
- (b) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (c) shorttail lanternshark (*Etmopterus brachyurus*);
- (d) great lanternshark (*Etmopterus princeps*);
- (e) smooth lanternshark (*Etmopterus pusillus*);
- (f) skates (*Rajidae*);
- (g) velvet dogfish (*Scymnodon squamulosus*);

- (h) deep-sea sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*).

SECTION 9 WCPFC CONVENTION AREA

Article 38

Conditions for bigeye tuna, yellowfin tuna, skipjack tuna and South Pacific albacore fisheries

1. Member States shall ensure that no more than 403 fishing days are allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention Area located in the high seas between 20° N and 20° S.
2. Union fishing vessels shall not target South Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20° S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners in 2022 do not exceed the limits set out in the table in Annex IG.

Article 39

Management of fishing with FADs

1. In the part of the WCPFC Convention Area located between 20° N and 20° S, purse-seine vessels shall not deploy, service or set nets on FADs between 00.00 hours on 1 July 2022 and 24.00 hours on 30 September 2022.
2. In addition to the prohibition in paragraph 1, it shall be prohibited to set nets on FADs on the high seas of the WCPFC Convention Area, between 20° N and 20° S, for an additional two months, either from 00.00 hours on 1 April 2022 to 24.00 hours on 31 May 2022, or from 00.00 hours on 1 November 2022 to 24.00 hours on 31 December 2022.
3. Paragraph 2 shall not apply in the following cases:
 - (a) in the final set of a trip, if the vessel has insufficient remaining well space to accommodate all fish;
 - (b) where the fish is unfit for human consumption for reasons other than size;
 - (c) in the event of a serious malfunction of freezer equipment.
4. Each Member State shall ensure that none of its purse-seine vessels deploy at sea, at any time, more than 350 FADs with activated instrumented buoys. Buoys shall be activated exclusively on board a vessel.

5. All purse-seine vessels fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna that they have caught.

Article 40

Maximum number of Union fishing vessels authorised to fish for swordfish

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas of the WCPFC Convention Area south of 20° S shall be as set out in Annex IX.

Article 41

Catch limits for swordfish in longline fisheries south of 20° S

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20° S by longliners in 2022 do not exceed the limit set out in Annex IG. They shall also ensure that this does not result in a shift of the fishing effort for swordfish to the area north of 20° S.

Article 42

Silky sharks and oceanic whitetip sharks

1. It shall be prohibited to retain on board, tranship, land or store any part or whole carcass of the following species in the WCPFC Convention Area:
 - (a) silky sharks (*Carcharhinus falciformis*);
 - (b) oceanic whitetip sharks (*Carcharhinus longimanus*).
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

Article 43

Overlap area between the IATTC and WCPFC Convention Areas

1. Vessels listed only in the WCPFC register shall apply the measures set out in this Section when fishing in the overlap area between the IATTC and WCPFC Convention Areas.
2. Vessels listed in both the WCPFC register and the IATTC register, and vessels listed only in the latter shall apply the measures set out in Article 32(1), point (a), Article 32(2), (3) and (4), and Articles 33, 34 and 35 when fishing in the overlap area between the IATTC and WCPFC Convention Areas.

SECTION 10 BERING SEA

Article 44

Prohibition on fishing in the high seas of the Bering Sea

It shall be prohibited to fish for pollock (*Gadus chalcogrammus*) in the high seas of the Bering Sea.

SECTION 11 SIOFA AGREEMENT AREA

Article 45

Limits to bottom fishing

Member States shall ensure that vessels flying their flag that are fishing in the SIOFA Agreement Area:

- (a) limit their annual bottom fishing effort and catch to their average annual level of a representative period in which they were active in that area and for which data declared to the Commission exists;
- (b) do not expand the spatial distribution of bottom fishing effort, apart from longline and trap methods, beyond areas fished in recent years;
- (c) are not authorised to fish in the interim protected areas of Atlantis Bank, Coral, Fools Flat, Middle of What, Walter's Shoal, as defined in Annex IK, except with longline and trap methods and on condition of having a scientific observer on board at all times while fishing in those areas.

TITLE III FISHING OPPORTUNITIES FOR THIRD-COUNTRY VESSELS IN UNION WATERS

Article 46

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands may be authorised to fish in Union waters within the TACs set out in Annex I to this Regulation, subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

Article 47

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and licensed by a United Kingdom fisheries administration

Fishing vessels flying the flag of the United Kingdom, registered in the United Kingdom and licensed by a fisheries administration of the United Kingdom may be authorised to fish in Union waters within the TACs set out in Annex I to this Regulation, subject to the conditions provided for in this Regulation and Regulation (EU) 2017/2403.

Article 47a

Quota transfers and exchanges with the United Kingdom

- (2) Any quota transfer or exchange between the Union and the United Kingdom shall take place in accordance with paragraphs 2 to 4.
- (3) A Member State intending to transfer or exchange quotas with the United Kingdom may discuss with the United Kingdom an outline of the quota transfer or exchange. The concerned Member State shall notify the Commission of the outline.
- (4) Where the Commission endorses an outline of the quota transfer or exchange referred to in paragraph 2 notified by the Member State concerned, the Commission shall express, without undue delay, the consent to be bound by such quota transfer or exchange. The Commission shall notify the United Kingdom and the Member States of the agreed quota transfer or exchange.
- (5) The quota received from or transferred to the United Kingdom under the agreed quota transfer or exchange shall be deemed to be quotas allocated to, or deducted from, the allocation of the Member State concerned, as of the moment that the quota transfer or exchange has been notified in accordance with paragraph 3. Such exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in line with the principle of relative stability of fishing activities.

Article 48

Fishing vessels flying the flag of Venezuela

Fishing vessels flying the flag of Venezuela shall be subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

Article 49

Fishing authorisations

The maximum number of fishing authorisations for third-country vessels fishing in Union waters shall be as set out in Part B of Annex V.

Article 50
Conditions for landing catches and by-catches

The conditions laid down in Article 7 shall apply to the catches and by-catches of third-country vessels fishing under the authorisations referred to in Article 49.

Article 51
Prohibited species

1. Third-country vessels shall not fish for, retain on board, tranship or land the following species where they are found in Union waters:
 - (a) starry ray (*Raja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;
 - (b) 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;
 - (c) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and ICES subareas 1, 4, 5, 6, 7, 8, 12 and 14;
 - (d) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and ICES subareas 1, 4 and 14;
 - (e) porbeagle (*Lamna nasus*) in Union waters;
 - (f) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
 - (g) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6, 9 and 10;
 - (h) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
 - (i) whale shark (*Rhincodon typus*) in all waters;
 - (j) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10.
2. When accidentally caught, specimens of the species referred to in paragraph 1 shall not be harmed and shall be promptly released.

TITLE IV FINAL PROVISIONS

Article 52 Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 53 Transitional provision

Articles 10, 12, 13, 14, 21, 27, 28, 35, 36, 37, 42, 44 and 51 shall continue to apply, *mutatis mutandis*, in 2023 until the entry into force of the Regulation fixing the fishing opportunities for 2023.

Article 54 Entry into force

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

It shall apply from 1 January 2022.

The provisions on fishing opportunities set out in Articles 22, 23 and 24, and Annex VII for stocks indicated in that Annex in the CCAMLR Convention Area shall apply from 1 December 2021.

The provisions on fishing effort limits set out in Annex II shall apply from 1 February 2022 to 31 January 2023.

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

Done at Brussels,

*For the Council
The President*