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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: 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

- Commission non-paper

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

COMMISSION SERVICES NON PAPER

16 NOVEMBER 2021

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

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

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

Updates to Commission Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (COM(2021) 661)

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1. AMENDMENTS TO TAKE ACCOUNT OF NEW SCIENTIFIC ADVICE

EXPLANATORY NOTE

Scientific advice for 2022 relating to two autonomous Union stocks was received from ICES on 29 October 2021. The proposed TACs are in line with this scientific advice, with the MSY advice or with the precautionary advice as available.

For Norway lobster in the Bay of Biscay (ICES divisions 8a, 8b, 8d and 8e), the Commission proposes to set a TAC of 3 880 tonnes in line with the MSY point value¹. This represents a decrease of 2,6% compared to the TAC set for 2021.

For Norway lobster in Iberian waters (ICES divisions 9 and 10; Union waters of CECAF 34.1.1), the Commission proposes to set a TAC of 316 tonnes in line with the ICES precautionary advice and MSY advice². This represents a decrease of 15,5% compared to the TAC set for 2021. Fishing in Functional Units 26 and 27 of ICES division 9a (NEP/*9U267) should be prohibited in line with the ICES zero catch advice. Fishing in Functional Unit 30 of ICES division 9a (NEP/*9U30) should be limited to 50 tonnes in line with ICES precautionary advice.

AMENDMENTS TO ANNEX IA

In Annex IA, Part A of the Commission Proposal, the ninth and twelfth fishing opportunities tables are replaced by the following:

¹ <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/nep.fu.2324.pdf>

² <https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/nep.fu.2627.pdf>
<https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/nep.fu.2829.pdf>
<https://www.ices.dk/sites/pub/Publication%20Reports/Advice/2021/2021/nep.fu.30.pdf>

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Species: Norway lobster <i>Nephrops norvegicus</i>	Zone: 8a, 8b, 8d and 8e (NEP/8ABDE.)
Spain	233
France	3 647
Union	3 880
TAC	3 880

Species: Norway lobster <i>Nephrops norvegicus</i>	Zone: 9 and 10; Union waters of CECAF 34.1.1 (NEP/9/3411)
Spain	79 ⁽¹⁾
Portugal	237 ⁽¹⁾
Union	316 ⁽¹⁾⁽²⁾
TAC	316 ⁽¹⁾⁽²⁾

⁽¹⁾ Shall not be taken in Functional Units 26 and 27 of ICES division 9a (NEP/*9U267).

⁽²⁾ Within the limits of the abovementioned TAC, no more than the following amount may be taken in Functional Unit 30 of ICES division 9a (NEP/*9U30):

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2. AMENDMENTS IN RELATION TO NAFO

EXPLANATORY NOTE

The outcome of the Northwest Atlantic Fisheries Organisation (NAFO) 2021 annual meeting is now available, and can be incorporated into the Commission Proposal.

AMENDMENTS TO THE RECITALS

Recital (36) is replaced by the following:

“(36) At its 43rd annual meeting in 2021, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2022 for certain stocks in subareas 1 to 4 of the NAFO Convention Area. Those measures should be implemented in Union law.”

AMENDMENTS TO ANNEX IC

Annex IC is replaced by the following:

ANNEX ICNORTH WEST ATLANTIC –
NAFO CONVENTION AREA

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 2J3KL (COD/N2J3KL)
Union	0 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.			

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3NO (COD/N3NO.)
Union	0 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the limits of a maximum of 1 000 kg or 4 %, whichever is greater.			

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3M (COD/N3M.)
Estonia	44 ⁽¹⁾	Analytical TAC	
Germany	186 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	44 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	44 ⁽¹⁾		
Poland	152 ⁽¹⁾		
Spain	572 ⁽¹⁾		
France	80 ⁽¹⁾		
Portugal	785 ⁽¹⁾		
Union	1 908 ⁽¹⁾		
TAC	4 000 ⁽¹⁾		

⁽¹⁾ No directed fisheries are permitted under this quota between 00:00 UTC 1 January 2022 and 24:00 UTC 31 March 2022. During this period, the master of the vessel shall comply with the requirements set out in Article 8(1)(b) of Regulation (EU) 2019/833* and shall ensure that the catches retained on board and in any one haul of this stock are limited to the maxima specified in Article 7(3)(a) of Regulation (EU) 2019/833.

* Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141, 28.5.2019, p. 1).

Species:	Witch flounder <i>Glyptocephalus cynoglossus</i>	Zone:	NAFO 3L (WIT/N3L.)
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Union	0 ⁽¹⁾	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Witch flounder <i>Glyptocephalus cynoglossus</i>	Zone:	NAFO 3NO (WIT/N3NO.)
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Estonia	52	Analytical TAC
Latvia	52	Article 3 of Regulation (EC) No 847/96 shall not apply
Lithuania	52	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	156	
TAC	1 175	

Species:	American plaice <i>Hippoglossoides platessoides</i>	Zone:	NAFO 3M (PLA/N3M.)
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Union	0 ⁽¹⁾	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	American plaice <i>Hippoglossoides platessoides</i>	Zone:	NAFO 3LNO (PLA/N3LNO.)
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Union	0 ⁽¹⁾	Analytical TAC
		Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Shortfin squid <i>Illex illecebrosus</i>	Zone:	NAFO subareas 3 and 4 (SQI/N34.)
Estonia	128 ⁽¹⁾	Analytical TAC	
Latvia	128 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	128 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	227 ⁽¹⁾		
Other Member States	29 647 ⁽¹⁾⁽²⁾		
Union	611 ⁽¹⁾⁽³⁾		
TAC	34 000		
⁽¹⁾	No vessel may fish for squid between 00:01 UTC on 1 January to 24:00 UTC on 30 June.		
⁽²⁾	This quantity is available to Canada and the Member States except Estonia, Latvia, Lithuania and Poland. Catches to be counted against this shared quota shall be reported separately (SQI/N34_AMS).		
⁽³⁾	Corresponds to the sum of the quotas of Estonia, Latvia, Lithuania and Poland and the Union's unspecified share available to Canada and the Member States except Estonia, Latvia, Lithuania and Poland.		
Species:	Yellowtail flounder <i>Limanda ferruginea</i>	Zone:	NAFO 3LNO (YEL/N3LNO.)
Union	0 ⁽¹⁾	Analytical TAC	
		Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	20 000	Article 4 of Regulation (EC) No 847/96 shall not apply	
⁽¹⁾	No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 2 500 kg or 10 %, whichever is greater. However, if the Union is assigned an 'Others' quota, once the 'Others' quota is exhausted, the by-catch limits shall be a maximum of 1 250 kg or 5 %, whichever is greater.		
Species:	Capelin <i>Mallotus villosus</i>	Zone:	NAFO 3NO (CAP/N3NO.)
Union	0 ⁽¹⁾	Analytical TAC	
		Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
⁽¹⁾	No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.		

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3LNO ⁽¹⁾⁽²⁾ (PRA/N3LNOX)
Estonia	0 ⁽³⁾	Analytical TAC	
Latvia	0 ⁽³⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	0 ⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	0 ⁽³⁾		
Spain	0 ⁽³⁾		
Portugal	0 ⁽³⁾		
Union	0 ⁽³⁾		
TAC	0 ⁽³⁾		

⁽¹⁾ Not including the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

⁽²⁾ Fishing is prohibited at a depth less than 200 metres in the area west of a line bound by the following coordinates:

Point No	Latitude N	Longitude W
1	46° 00' 0	47° 49' 0
2	46° 25' 0	47° 27' 0
3	46 °42' 0	47° 25' 0
4	46° 48' 0	47° 25' 50
5	47° 16' 50	47° 43' 50

⁽³⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3M ⁽¹⁾ (PRA/*N3M.)
TAC	Not relevant ⁽²⁾	Analytical TAC	

⁽¹⁾ Vessels may also fish this stock in division 3L in the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

Moreover, fishing for shrimp is prohibited from 1 June to 31 December in the area bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 55' 0	45° 00' 0
2	47° 30' 0	44° 15' 0
3	46° 55' 0	44° 15' 0
4	46° 35' 0	44° 30' 0

5	46° 35' 0	45° 40' 0
6	47° 30' 0	45° 40' 0
7	47° 55' 0	45° 00' 0

(2) Not relevant. Fishery managed by limitations in fishing effort (EFF/*N3M.). The Member States concerned shall issue fishing authorisations for their fishing vessels engaging in this fishery and shall notify those authorisations to the Commission prior to the beginning of the vessel's activity, in accordance with Regulation (EC) No 1224/2009.

Member State	Maximum number of fishing days
Denmark	0
Estonia	0
Spain	0
Latvia	0
Lithuania	0
Poland	0
Portugal	0

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	NAFO 3LMNO (GHL/N3LMNO)
Estonia	318	Analytical TAC	
Germany	325	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	45	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	23		
Spain	4 359		
Portugal	1 822		
Union	6 892		
TAC	11 755		

Species:	Skates <i>Rajidae</i>	Zone:	NAFO 3LNO (SKA/N3LNO.)
Estonia	283	Analytical TAC	
Lithuania	62	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	4 359	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	1 822		
Union	4 408		
TAC	7 000		

Species:	Redfishes <i>Sebastes spp.</i>	Zone:	NAFO 3LN (RED/N3LN.)
Estonia	895	Analytical TAC	
Germany	615	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	895	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	895		
Union	3 300		
TAC	18 100		

Species:	Redfishes <i>Sebastes spp.</i>	Zone:	NAFO 3M (RED/N3M.)
Estonia	1 571 ⁽¹⁾	Analytical TAC	
Germany	513 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	1 571 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	1 571 ⁽¹⁾		
Spain	233 ⁽¹⁾		
Portugal	2 353 ⁽¹⁾		
Union	7 813 ⁽¹⁾		
TAC	10 933 ⁽¹⁾		

⁽¹⁾ This quota is subject to compliance with the TAC, which is established for this stock for all NAFO Contracting Parties. Within this TAC, no more than the following mid-term limit may be fished before 1 July 2022:

5 467

Species:	Redfishes <i>Sebastes spp.</i>	Zone:	NAFO 3O (RED/N3O.)
Spain	1 771	Analytical TAC	
Portugal	5 229	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	7 000	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	20 000		

Species:	Redfishes <i>Sebastes spp.</i>	Zone:	NAFO subarea 2, divisions 1F and 3K (RED/N1F3K.)
Latvia	0 ⁽¹⁾	Analytical TAC	
Lithuania	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	0 ⁽¹⁾		

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	White hake <i>Urophycis tenuis</i>	Zone:	NAFO 3NO (HKW/N3NO.)
Spain	255	Analytical TAC	
Portugal	334	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	588 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	1 000		
⁽¹⁾	Where, in accordance with Annex IA of the NAFO Conservation and Enforcement Measures, a positive vote by the Contracting Parties confirms the TAC to be 2 000 tonnes, the corresponding Union and Member State quotas shall be as below:		
	Spain	509	
	Portugal	667	
	Union	1 176	

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3. AMENDMENTS IN RELATION TO SIOFA

EXPLANATORY NOTE

The outcome of the Southern Indian Ocean Fisheries Agreement (SIOFA) 2021 annual meeting is now available, and can be incorporated into the Commission Proposal.

AMENDMENTS TO THE RECITALS

Recital (37) is replaced by the following:

“(37) At its 8th meeting in 2021, the Southern Indian Ocean Fisheries Agreement (SIOFA) maintained the TACs adopted in 2020 for the stocks covered by the Agreement. Those measures should be implemented in Union law.”

AMENDMENTS TO ANNEX IK

Annex IK is replaced by the following:

ANNEX IK

SIOFA AGREEMENT AREA

Species: Toothfishes <i>Dissostichus spp.</i>	Zone: Del Cano Area ⁽¹⁾ (TOT/F517DC)
Union 18,33 ⁽²⁾	Precautionary TAC
TAC 55 ⁽²⁾	

⁽¹⁾ International waters in FAO subarea 51.7 bounded between -44° S and -45° S latitude, and the adjacent exclusive economic zones to the east and west.

⁽²⁾ May only be fished by vessels with observers on board and using longlines during the fishing season from 1 December 2021 to 30 November 2022. Longlines shall not exceed 3 000 hooks per line and shall be set at minimum three nautical miles from each other.

Catches of vessels not targeting this species shall not exceed 0,5 tonnes of *Dissostichus spp.* per fishing season. When a vessel reaches this limit, it may no longer fish in Del Cano Area.

Species: Toothfishes <i>Dissostichus spp.</i>	Zone: Williams Ridge ⁽¹⁾ (TOT/F574WR)
TAC 140 ⁽²⁾	Precautionary TAC

⁽¹⁾ Area of FAO subarea 57.4 bounded by the following coordinates:

Point	Latitude	Longitude
1	52° 30' 00" S	80° 00' 00" E
2	55° 00' 00" S	80° 00' 00" E
3	55° 00' 00" S	85° 00' 00" E
4	52° 30' 00" S	85° 00' 00" E

⁽²⁾ The TAC set out above is not allocated between SIOFA Parties, hence the Union’s share is undetermined. It may only be fished by vessels with observers on board during the fishing season from 1 December 2021 to 30 November 2022. No more than two longlines not exceeding 6 250 hooks are set per grid cell established by SIOFA. Longlines shall not be set across grid cells and an interval of at least 30 days is applied between fishing trips according to the access conditions established by SIOFA. Catches of vessels not targeting this species shall not exceed 0,5 tonnes of *Dissostichus spp.* per fishing season. When a vessel reaches this limit, it may no longer fish in Williams Ridge.

Interim Protected Areas

Atlantis Bank

Point	Latitude (S)	Longitude (E)
1	32° 00'	57° 00'
2	32° 50'	57° 00'
3	32° 50'	58° 00'
4	32° 00'	58° 00'

Coral

Point	Latitude (S)	Longitude (E)
1	41° 00'	42° 00'
2	41° 40'	42° 00'
3	41° 40'	44° 00'
4	41° 00'	44° 00'

Fools Flat

Point	Latitude (S)	Longitude (E)
1	31° 30'	94° 40'
2	31° 40'	94° 40'
3	31° 40'	95° 00'
4	31° 30'	95° 00'

Middle of What

Point	Latitude (S)	Longitude (E)
1	37° 54'	50° 23'
2	37° 56.5'	50° 23'
3	37° 56.5'	50° 27'
4	37° 54'	50° 27'

Walter's Shoal

Point	Latitude (S)	Longitude (E)
1	33° 00'	43° 10'
2	33° 20'	43° 10'
3	33° 20'	44° 10'
4	33° 00'	44° 10'

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4. CORRECTIONS

EXPLANATORY NOTE

The corrections include drafting improvements (amendments to Articles 23 and 36), as well as corrections of errors (amendments to recital (14), Articles 28 to 31 and 39, and Annex IH). Some of the errors corrected are already present in the Council Regulation fixing for 2021 the fishing opportunities³ (amendments to Articles 29 to 31), while others stem from the drafting of the Commission Proposal (amendments to recital (14), Article 28, and Annex IH).

AMENDMENTS TO THE RECITALS

Recital (14) is replaced by the following:

“(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.”

AMENDMENTS TO THE ARTICLES

In Article 23, paragraph 1 is replaced by the following:

“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, **and the TACs and by-catch limits set out in Table B in that Annex shall apply.**”

³ Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 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 31, 29.1.2021, p. 31).

In Article 28, paragraph 1 is replaced by the following:

- “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 (**fisheries other than surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, handline and trolling vessels, or longline fisheries undertaken by vessels registered in the IOTC record of authorised vessels**) may be landed for purposes of local consumption.”

In Article 29, paragraph 3 is replaced by the following:

- “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 **fifteenth** day of the following month, so that the Commission can communicate it to the SPRFMO Secretariat:
- (a) list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention Area;
 - ~~(b) records from vessel monitoring systems;~~
 - (b) monthly catch reports.
 - ~~(d) where available, records of port calls.”~~

Articles 30 and 31 are deleted.

Article 36 is replaced by the following:

*“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 promptly release them, where possible alive and unharmed.**”

Article 39 is replaced by the following:

*“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.~~~~
3. 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.
4. 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.

5. Paragraph 4 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.”**

AMENDMENTS TO ANNEX IH

Annex IH is replaced by the following:

“ANNEX IH

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	To be established	Analytical TAC	
Netherlands	To be established	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	To be established		
Union	To be established		
TAC	Not relevant		
Species:	Toothfishes <i>Dissostichus spp.</i>	Zone:	SPRFMO Convention Area (TOT/SPR-AE)
TAC	To be established ⁽¹⁾	Precautionary TAC	
⁽¹⁾	This annual TAC is for exploratory fisheries only. Fishing shall only take place within the following research block:		
	– NW	50° 30' S, 136° E	
	– NE	50° 30' S, 140° 30' E	
	– E-Indent	52° 45' S, 140° 30' E	
	– E-corner	52° 45' S, 145° 30' E	
	– SE	54° 50' S, 145° 30' E	
	– SW	54° 50' S, 136° E	

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