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NOTE

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

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

Annex

COMMISSION SERVICES NON PAPER

11 NOVEMBER 2022

This document serves as a basis for discussion at the Working Party on Fisheries Policy.
It cannot in any circumstances be regarded as the official position of the Commission.
It is intended solely for those to whom it is addressed.

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

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1. AMENDMENTS IN RELATION TO NORWAY LOBSTER

EXPLANATORY NOTE

On 28 October 2022, ICES published its scientific advice for Norway lobster (*Nephrops norvegicus*) in ICES division 3a (Skagerrak and Kattegat), functional units (FUs) 3 and 4, for 2023[1]. ICES provides MSY advice for that stock. The Commission proposes to set the TAC for Norway lobster in ICES division 3a for 2023 in accordance with that advice and, in particular, the lowest value within the range of F_{MSY} ('MSY F_{lower}'). It proposes to set the TAC in line with MSY F_{lower} as setting a lower TAC for Norway lobster would support the recovery of cod in the same area, which is a by-catch of the same fishery and for which there is a zero-catch advice. This represents a decrease of 16% compared to the TAC set for 2022.

Also on 28 October 2022, ICES published its scientific advice for Norway lobster in ICES divisions 8a and 8b (northern and central Bay of Biscay), FUs 23 and 24, for 2023[2]. ICES provides MSY advice for that stock. The Commission proposes to set the TAC for Norway lobster in ICES division 8a, 8b, 8d and 8e (Bay of Biscay) for 2023 in accordance with that advice. This represents an increase of 19% compared to the TAC set for 2022.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, the fishing opportunities tables for Norway lobster (*Nephrops norvegicus*) in ICES division 3a and in ICES divisions 8a, 8b, 8d and 8e are replaced by the following:

"

Species:	Norway lobster *Nephrops norvegicus*		Zone:	3a (NEP/03A.)
Denmark		5 259	Analytical TAC	
Germany		15		
Sweden		1 881		
Union		7 155		
TAC		7 155		

[1] https://doi.org/10.17895/ices.advice.19772431
[2] https://doi.org/10.17895/ices.advice.19772425

Species:	Norway lobster *Nephrops norvegicus*	Zone:	8a, 8b, 8d and 8e (NEP/8ABDE.)
Spain	278	Analytical TAC	
France	4 353		
Union	4 631		
TAC	4 631		

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2. AMENDMENTS IN RELATION TO RED SEABREAM

EXPLANATORY NOTE

An error of clerical nature has been detected and therefore the following amendment is needed: A landing obligation exemptions deduction of -1,43% rather than of -0,14% should be applied to the Union quota for red seabream (*Pagellus bogaraveo*) in Union and international waters of ICES subarea 9 (Iberian waters) for 2023 and 2024. The fishing opportunities for that stock should be amended accordingly.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part E, the fishing opportunities table for red seabream (*Pagellus bogaraveo*) in Union and international waters of ICES subarea 9 is replaced by the following:

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Species:	Red seabream *Pagellus bogaraveo*		Zone:	Union and international waters of 9 (SBR/09-)
Year	**2023**	**2024**	Precautionary TAC	
Spain	88	88		
Portugal	24	24		
Union	112	112		
TAC	114	114		

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3. AMENDMENTS IN RELATION TO EUROPEAN EEL

EXPLANATORY NOTE

On 3 November 2022, ICES published scientific advice for European eel (*Anguilla anguilla*) throughout its natural range for 2023[3]. The Commission proposal should be updated to take into account the publication of that advice, and the link to that advice should be included in a footnote reference.

Furthermore, in order to ensure consistency of the terminology used in Article 12, the word 'prohibition' should be replaced by 'closure' in paragraph 4, point (a), of that Article.

AMENDMENTS TO THE RECITALS

In recital (15), the first sentence is replaced by the following:

"(15) On 3 November 2022, ICES[4] reiterated for 2023 its zero catch advice for eel in all habitats."

AMENDMENTS TO THE ARTICLES

In Article 12(4), point (a) is replaced by the following:

"(a) information about the closure period or periods referred to in paragraph 3, point (b), that it has determined; and"

[3] https://doi.org/10.17895/ices.advice.19772374
[4] https://doi.org/10.17895/ices.advice.19772374

4. AMENDMENTS IN RELATION TO NAFO

EXPLANATORY NOTE

At its 44th annual meeting in 2022, the Northwest Atlantic Fisheries Organisation (NAFO) adopted fishing opportunities for certain stocks in subareas 1 to 4 of the NAFO Convention area for 2023. Those measures should therefore be implemented in Union law.

AMENDMENTS TO THE RECITALS

Recital (38) is replaced by the following:

"(38) At its 44th annual meeting in 2022, the Northwest Atlantic Fisheries Organisation (NAFO) adopted fishing opportunities for certain stocks in subareas 1 to 4 of the NAFO Convention area for 2023. Those measures should be implemented in Union law."

AMENDMENTS TO THE ANNEXES

Annex IC is replaced by the following:

"

ANNEX IC

NORTH WEST ATLANTIC –
NAFO CONVENTION AREA

Species:	Cod *Gadus morhua*		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 *Gadus morhua*		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 following limits: a maximum of 1 000 kg or 4 %, whichever is greater.

Species:	Cod *Gadus morhua*		Zone:	NAFO 3M (COD/N3M.)
Estonia	68	(1)	Analytical TAC	
Germany	284	(1)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	68	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	68	(1)		
Poland	231	(1)		
Spain	873	(1)		
France	122	(1)		
Portugal	1 196	(1)		
Union	2 910	(1)		
TAC	6 100	(1)		

(1)	No directed fisheries are permitted under this quota between 00:00 UTC 1 January and 24:00 UTC 31 March. During this period, the master of the vessel shall comply with the requirements set out in Article 8(1), point (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), point (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 *Glyptocephalus cynoglossus*		Zone:	NAFO 3L (WIT/N3L.)
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 *Glyptocephalus cynoglossus*		Zone:	NAFO 3NO (WIT/N3NO.)
Estonia	58		Analytical TAC	
Latvia	57		Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	57		Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	172			
TAC	1 295			

Species:	American plaice *Hippoglossoides platessoides*		Zone:	NAFO 3M (PLA/N3M.)
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 *Hippoglossoides platessoides*		Zone:	NAFO 3LNO (PLA/N3LNO.)
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 *Illex illecebrosus*		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	29 467	(1)(2)		
Union	30 078	(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 *Limanda ferruginea*		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 as follows: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Capelin *Mallotus villosus*		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 *Pandalus borealis*		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	Longitude
1	47° 20' 00" N	46° 40' 00" W
2	47° 20' 00" N	46° 30' 00" W
3	46° 00' 00" N	46° 30' 00" W
4	46° 00' 00" N	46° 40' 00" W

(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	Longitude
1	46° 00' 00" N	47° 49' 00" W
2	46° 25' 00" N	47° 27' 00" W
3	46 °42' 00" N	47° 25' 00" W
4	46° 48' 00" N	47° 25' 50" W
5	47° 16' 50" N	47° 43' 50" W

(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 *Pandalus borealis*	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	Longitude
1	47° 20' 00" N	46° 40' 00" W
2	47° 20' 00" N	46° 30' 00" W
3	46° 00' 00" N	46° 30' 00" W
4	46° 00' 00" N	46° 40' 00" W

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

Point No	Latitude	Longitude
1	47° 55' 00" N	45° 00' 00" W
2	47° 30' 00" N	44° 15' 00" W
3	46° 55' 00" N	44° 15' 00" W
4	46° 35' 00" N	44° 30' 00" W
5	46° 35' 00" N	45° 40' 00" W
6	47° 30' 00" N	45° 40' 00" W
7	47° 55' 00" N	45° 00' 00" W

(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	Zone:	NAFO 3LMNO

	Reinhardtius hippoglossoides		(GHL/N3LMNO)
Estonia	304		Analytical TAC
Germany	311		Article 3 of Regulation (EC) No 847/96 shall not apply
Latvia	43		Article 4 of Regulation (EC) No 847/96 shall not apply
Lithuania	22		
Spain	4 162		
Portugal	1 740		
Union	6 582		
TAC	11 227		

Species:	Skates *Rajidae*		Zone:	NAFO 3LNO (SKA/N3LNO.)
Estonia	283		Analytical TAC	
Lithuania	62		Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	3 403		Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	660			
Union	4 408			
TAC	7 000			

Species:	Redfishes *Sebastes spp.*		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 *Sebastes spp.*		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	2 354	(1)		
Union	7 813	(1)		
TAC	11 171	(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:

		5 586			

Species:	Redfishes *Sebastes spp.*			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 *Sebastes spp.*			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 *Urophycis tenuis*			Zone:	NAFO 3NO (HKW/N3NO.)
Spain		255		Analytical TAC	
Portugal		333		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 NAFO 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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5. AMENDMENTS IN RELATION TO CCSBT

EXPLANATORY NOTE

At its 2022 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for Southern bluefin tuna (*Thunnus maccoyii*) for 2023, as adopted at the 2020 annual meeting for a three-year period (from 2021 to 2023). That measure should therefore be implemented in Union law.

AMENDMENTS TO THE RECITALS

Recital (35) is replaced by the following:

"(35) At its 2022 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for Southern bluefin tuna (*Thunnus maccoyii*) for 2023, as adopted at the 2020 annual meeting for a three-year period (from 2021 to 2023). That measure should be implemented in Union law."

AMENDMENTS TO THE ANNEXES

Annex IF is replaced by the following:

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ANNEX IF

SOUTHERN BLUEFIN TUNA – AREAS OF DISTRIBUTION

Species:	Southern bluefin tuna *Thunnus maccoyii*	Zone:	All areas of distribution (SBF/F41-81)
Union	11 (1)	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply.	
TAC	17 647	Article 4 of Regulation (EC) No 847/96 shall not apply.	
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.		

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