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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	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) - Commission Non-paper

Delegations will find attached the above-mentioned document, as received from the European Commission services.

COMMISSION SERVICES NON PAPER

3 DECEMBER 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 IN RELATION TO SEAFO

EXPLANATORY NOTE

The outcome of the South East Atlantic Fisheries Organisation (SEAFO) 2021 annual meeting is now available. The Commission therefore proposes to implement that outcome in Union law.

AMENDMENTS TO THE RECITALS

Recital (34) is replaced by the following:

"(34) At its 2021 annual meeting, the South East Atlantic Fisheries Organisation (SEAFO) decided to maintain most of the current TACs for the main species under its purview until its 2023 annual meeting. The TACs for Patagonian toothfish and deep-sea crabs were slightly reduced in accordance with the scientific advice. Those measures should be implemented in Union law."

AMENDMENTS TO ANNEX IE

Annex IE of the Commission Proposal is replaced by the following:

"**ANNEX IE**

SOUTH-EAST ATLANTIC OCEAN –

SEAFO CONVENTION AREA

The TACs set out in this Annex are not allocated to the members of SEAFO and hence the Union's share is undetermined. Catches are monitored by the SEAFO Secretariat which will communicate to the Contracting Parties when fishing is to be ceased due to a TAC exhaustion.

Species:	Alfonsinos *Beryx spp.*	Zone:	SEAFO (ALF/SEAFO)
TAC	200 (1)	Precautionary TAC	
(1)	No more than 132 tonnes may be taken in subdivision B1 (ALF/*F47NA).		

Species:	Deep-sea red crabs *Chaceon spp.*	Zone:	SEAFO subdivision B1(1) (GER/F47NAM)
TAC	162 (1)	Precautionary TAC	
(1)	For the purpose of this TAC, the area open to the fishery is defined as having: – its western boundary on the longitude 0° E, – its northern boundary on the latitude 20° S, – its southern boundary on the latitude 28° S, and – the eastern boundary outer limits of the Namibian Exclusive Economic Zone.		

Species:	Deep-sea red crabs *Chaceon spp.*	Zone:	SEAFO, excluding subdivision B1 (GER/F47X)

TAC	200	Precautionary TAC	

Species:	Patagonian toothfish *Dissostichus eleginoides*	Zone:	SEAFO subarea D (TOP/F47D)
TAC	261	Precautionary TAC	

Species:	Patagonian toothfish *Dissostichus eleginoides*	Zone:	SEAFO, excluding subarea D (TOP/F47-D)
TAC	0	Precautionary TAC	

Species:	Orange roughy *Hoplostethus atlanticus*	Zone:	SEAFO subdivision B1[(1)] (ORY/F47NAM)
TAC	0 [(2)]	Precautionary TAC	

(1) For the purpose of this Annex, the area open to the fishery is defined as having:
– its western boundary on the longitude 0° E,
– its northern boundary on the latitude 20° S,
– its southern boundary on the latitude 28° S, and
– the eastern boundary outer limits of the Namibian Exclusive Economic Zone.

(2) Except for a by-catch allowance of four tonnes (ORY/*F47NA).

Species:	Orange roughy *Hoplostethus atlanticus*	Zone:	SEAFO, excluding subdivision B1 (ORY/F47X)
TAC	50	Precautionary TAC	

Species:	Pelagic armourheads *Pseudopentaceros spp.*	Zone:	SEAFO (EDW/SEAFO)
TAC	135	Precautionary TAC	

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2. AMENDMENTS IN RELATION TO CCSBT

EXPLANATORY NOTE

The outcome of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) 2021 annual meeting is now available. The Commission therefore proposes to implement that outcome in Union law.

AMENDMENTS TO THE RECITALS

Recital (33) is replaced by the following:

"(33) At its 2021 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) set the annual TAC for southern bluefin tuna for a three-year period (2021 to 2023), at the same level as for the previous three-year period. That measure should be implemented in Union law."

AMENDMENTS TO ANNEX IF

Annex IF of the Commission Proposal is replaced by the following:

"**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.		

"

3. AMENDMENTS IN RELATION TO WCPFC

EXPLANATORY NOTE

The outcome of the Western and Central Pacific Fisheries Commission (WCPFC) 2021 annual meeting is not yet available. The current measures in the WCPFC Convention Area should therefore be provisionally maintained until the annual meeting is concluded. Once the outcome of the annual meeting becomes available, the Commission will propose to implement that outcome in Union law via an amendment to the Council Regulation fixing for 2022 the fishing opportunities.

AMENDMENTS TO THE RECITALS

Recital 35 is replaced by the following:

"(35) The annual meeting of the Western and Central Pacific Fisheries Commission (WCPFC) is held from 29 November 2021 to 7 December 2021. The current measures in the WCPFC Convention Area should therefore be provisionally maintained until the annual meeting is concluded."

AMENDMENTS TO ANNEX IG

Annex IG of the Commission Proposal is replaced by the following:

"**ANNEX IG**

WCPFC CONVENTION AREA

Species:	Bigeye tuna *Thunnus obesus*		Zone:	WCPFC Convention Area south of 20° S (BET/F7120S)
Portugal	To be established	(1)	Precautionary TAC	
Spain	To be established	(1)		
Union	To be established	(1)		
TAC	Not relevant	(1)		
(1)	This quota may only be fished by vessels using longlines.			

Species:	Swordfish *Xiphias gladius*	Zone:	WCPFC Convention Area south of 20°S (SWO/F7120S)
Union	To be established	Precautionary TAC	
TAC	Not relevant		

”

AMENDMENTS TO ANNEX IX

Annex IX of the Commission Proposal is replaced by the following:

“**ANNEX IX**

WCPFC CONVENTION AREA

Maximum number of Union fishing vessels authorised to fish for swordfish in areas south of 20° S of the WCPFC Convention Area

Spain	To be established
Union	To be established

Maximum number of Union purse seiners authorised to fish for tropical tuna in areas south of 20° S of the WCPFC Convention Area

Spain	To be established
Union	To be established

”

3. AMENDMENTS IN RELATION TO SPRFMO

EXPLANATORY NOTE

The outcome of the South Pacific Regional Fisheries Management Organisation (SPRFMO) annual meeting is not available yet. The current measures in the SPRFMO Convention Area should therefore be provisionally maintained until the annual meeting is concluded. Once the outcome of the annual meeting becomes available, the Commission will propose to implement that outcome in Union law via an amendment to the Council Regulation fixing for 2022 the fishing opportunities.

AMENDMENTS TO THE RECITALS

Recital 31 is replaced by the following:

"(31) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 24 to 28 January 2022. The current measures in the SPRFMO Convention Area should therefore be provisionally maintained until the annual meeting is held."

AMENDMENTS TO ANNEX IH

Annex IH is replaced by the following:

"**ANNEX IH**

SPRFMO CONVENTION AREA

Species:	Jack mackerel *Trachurus murphyi*	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 *Dissostichus spp.*	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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4. AMENDMENTS IN RELATION TO IOTC

EXPLANATORY NOTE

The outcome of the Indian Ocean Tuna Commission (IOTC) 2021 annual meeting is partially available. The Commission therefore proposes to implement that partial outcome in Union law. The revised catch limits for yellowfin tuna will be confirmed by the IOTC Secretariat after the end of the official period of objection on 17 December 2021. Catch limits will not be limited to purse seiners, and will include all gears involved in the yellowfin tuna fishery. In the meantime, the Commission is undertaking technical consultations with Member States to facilitate an agreement on the allocation key for yellowfin tuna that will include all gears. Once the revised catch limits for yellowfin tuna become available and the discussions with Member States are concluded, the Commission will propose to implement those limits via an amendment to the Council Regulation fixing for 2022 the fishing opportunities.

AMENDMENTS TO THE RECITALS

Recital (30) is replaced by the following:

"(30) At its 2021 annual meeting, the Indian Ocean Tuna Commission (IOTC) revised the previously adopted conservation and management measures. Those measures should already be implemented in Union law. The revised catch limits for yellowfin tuna will be confirmed by the IOTC Secretariat after the end of the official period of objection on 17 December 2021. Once the revised catch limits for yellowfin tuna are confirmed, these should be implemented in Union law."

AMENDMENTS TO ANNEX IJ

Annex IJ of the Commission Proposal is replaced by the following:

"**ANNEX IJ**

IOTC AREA OF COMPETENCE

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

Species:	Yellowfin tuna *Thunnus albacares*	Zone:	IOTC Area of Competence (YFT/IOTC)
France	To be established	Analytical TAC	
Italy	To be established	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	To be established	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	To be established		
TAC	Not relevant		

”

AMENDMENTS TO ANNEX VIII

Annex VIII of the Commission Proposal is replaced by the following:

“**ANNEX VIII**

IOTC AREA OF COMPETENCE

1. Maximum number of Union fishing vessels authorised to fish for tropical tunas in the IOTC Area of Competence

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	22	61 364
France	27	45 383
Portugal	5	1 627
Italy	1	2 137
Union	55	110 511

2. Maximum number of Union fishing vessels authorised to fish for swordfish and albacore in the IOTC Area of Competence

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	27	11 590
France	41 (1)	7 882
Portugal	15	6 925
Union	83	26 397
(1) This figure does not include vessels registered in Mayotte; it may be increased in the future in accordance with Mayotte’s fleet development plan.		

3. The vessels referred to in point 1 shall also be authorised to fish for swordfish and albacore in the IOTC Area of Competence.

4. The vessels referred to in point 2 shall also be authorised to fish for tropical tunas in the IOTC Area of Competence.”

5. AMENDMENTS IN RELATION TO IATTC

EXPLANATORY NOTE

The outcome of the Inter-American Tropical Tuna Commission (IATTC) 2021 annual meeting is now available. The Commission therefore proposes to implement that outcome in Union law.

AMENDMENTS TO THE RECITALS

Recital (32) is replaced by the following:

"(32) At its 2021 annual meeting, the Inter-American Tropical Tuna Commission (IATTC) adopted new conservation and management measures for tropical tunas for the period 2022-2024, which included a revision of the numbers of active fish-aggregating devices (FADs). Those measures should be implemented in Union law."

AMENDMENTS TO THE ARTICLES

Article 33 is replaced by the following:

"*Article 33*
Drifting FADs

1. A purse-seine vessel shall have no more than ~~450~~ **400** 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.~~"

AMENDMENTS TO ANNEX IL

Annex IL of the Commission Proposal is replaced by the following:

"**ANNEX IL**

IATTC CONVENTION AREA

Species:	Bigeye tuna *Thunnus obesus*	Zone:	IATTC Convention Area (BET/IATTC)
Union	500 (1)	Precautionary TAC	
TAC	Not relevant		
(1)	This quota may only be fished by vessels using longlines.		

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6. AMENDMENTS IN RELATION TO CCAMLR

EXPLANATORY NOTE

The outcome of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) 2021 annual meeting is now available. The Commission therefore proposes to implement that outcome in Union law.

AMENDMENTS TO THE RECITALS

Recital (29) is replaced by the following:

"(29) At its 2021 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 2021 to 30 November 2022. Those measures should be implemented in Union law."

AMENDMENTS TO ARTICLES

Article 23, paragraph 4 is replaced by the following:

"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 **48.6 and** 88.1 ~~and 88.2~~ as well as in FAO division~~s 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."

AMENDMENTS TO ANNEX VII

Annex VII of the Commission Proposal is replaced by the following:

"**ANNEX VII**

CCAMLR CONVENTION AREA

Exploratory fishing for toothfish in the CCAMLR Convention Area in 2021/2022 shall be limited to the following:

Table A

Authorised Member States, subareas and maximum number of vessels

Member State	Subarea	Maximum number of vessels
Spain	48.6	1
Spain	88.1	1

Table B

TACs and by-catch limits

The TACs set out in the table below, which are adopted by CCAMLR, are not allocated to CCAMLR members and hence the Union's share is undetermined. Catches are monitored by the CCAMLR Secretariat, which will communicate to the Contracting Parties when fishing is to be ceased due to TAC exhaustion

Subarea	Region	Season	SSRUs (48.6) or research blocks (88.1)	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/SSRUs (48.6) or research blocks (88.1)	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/whole subarea	By-catch limit (in tonnes)/SSRUs (48.6) or research blocks (88.1)		
						Skates and rays *(Rajiformes)*	Grenadiers *(Macrourus* spp.)[1]	Other species
48.6	Whole subarea	1 December 2021 to 30 November 2022	48.6_2	134	576	6	21	21
			48.6_3	36		1	5	5
			48.6_4	196		9	31	31
			48.6_5	210		10	33	33

[1] In area 88.1, where the catch of grenadiers (*Macrourus* spp.) taken by a single vessel in any two 10-day periods (i.e. from day 1 to day 10, day 11 to day 20, or day 21 to the last day of the month) in any SSRU exceeds 1 500 kg in each 10-day period and exceeds 16 % of the catch of Antarctic toothfish (*Dissostichus* spp.) by that vessel in that SSRU, the vessel shall cease fishing in that SSRU for the remainder of the season.

Subarea	Region	Season	SSRUs (48.6) or research blocks (88.1)	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/SSRUs (48.6) or research blocks (88.1)	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/whole subarea	By-catch limit (in tonnes)/SSRUs (48.6) or research blocks (88.1)		
						Skates and rays *(Rajiformes)*	Grenadiers *(Macrourus* spp.)[1]	Other species
88.1.	Whole subarea	1 December 2021 to 31 August 2022	A, B, C, G[2]	664	3495[3]	33	106	33
			G, H, I, J, K[4]	2307		115	316	115
			Special Research Zone of the Ross Sea Region marine protected area	459		22	72	22

”

[2] All areas outside the Ross Sea region marine protected area and north of 70° S.

[3] The target species is Antarctic toothfish (*Dissostichus mawsoni)*. Any Patagonian toothfish (*Dissostichus eleginoides)* caught shall be counted towards the overall catch limit for Antarctic toothfish (*Dissostichus mawsoni)*.

[4] All areas outside the Ross Sea region marine protected area and south of 70° S.