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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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| Subject: | 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 |

**COUNCIL REGULATION (EU) 2022/...**

**of …**

**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, 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 Council[1] 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) set out in Article 2(2) of that Regulation. In addition, for stocks subject to specific multiannual plans, 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 fishing activities of each Member State for each fish stock or fishery.

[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).

(3) TACs should therefore be established, in accordance 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 certain exemptions apply. Article 16(2) of that Regulation provides that, where the landing obligation in respect of a fish stock is introduced, 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) provided by the International Council for the Exploration of the Sea (ICES). The quantities that, by way of exemption 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 multiannual plan established by Regulation (EU) 2019/472 of the European Parliament and of the Council[1], 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, point (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 accordance with ICES MSY advice and with 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 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.

[1] 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).

(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) On 4 November 2021, ICES issued a scientific advice for European eel (*Anguilla anguilla*) throughout its natural range. ICES advised that, when the precautionary approach is applied, there should be zero catches in all habitats in 2022. This applies to both recreational and commercial catches and includes catches of glass eels for restocking and aquaculture. In accordance with this advice, it is considered appropriate to maintain the consecutive three-month closure for all fishing of eel whilst the Commission carries out a stakeholder-based consultation on European eel in 2022. The prohibition should apply to all fishing activities as defined in Article 4(1), point (28), of Regulation (EU) No 1380/2013. The Member States should determine the consecutive three-month closure, which should fall within the periods of the highest migration of European eel and report it with supporting information to the Commission by 1 June 2022.

(11) The scientific advice for anchovy (*Engraulis encrasicolus*) in ICES subarea 8 (Bay of Biscay) for 2022 was released by ICES only on 17 December 2021. Given the need to have a TAC in place for the start of the fishing season on 1 January 2022, a provisional TAC should be set. This TAC should be set at 24 000 tonnes and cover the period from 1 January 2022 to 30 June 2022. Such a level would correspond to approximately the catches of that stock in the period from 1 January 2021 to 30 June 2021.

(12) In ICES divisions 8c, 8d, 8e and subareas 9 and 10 and in Union waters of CECAF 34.1.1, three distinct species of sole are managed within a single TAC. As fishing opportunities for one of those stocks, namely for common sole (*Solea solea*) in ICES divisions 8c and 9a, should be set in line with Article 4 of Regulation (EU) 2019/472, a separate catch limit should be established for that species, in line with the MSY advice.

(13) 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 would be beneficial for their conservation. Fishing of such species should therefore be prohibited. Under Article 15(4), point (a), of Regulation (EU) No 1380/2013, the landing obligation does not apply to species for which fishing is prohibited.

(14) The North Sea multiannual plan was established by Regulation (EU) 2018/973 of the European Parliament and of the Council[1] and entered into force in 2018. The Western Waters multiannual plan was established by Regulation (EU) 2019/472 and entered into force in 2019. Fishing opportunities for stocks listed in Article 1(1) of those Regulations should be fixed in accordance with the targets (ranges of $F_{MSY}$) and safeguards provided for in those Regulations. 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 Regulations (EU) 2018/973 and (EU) 2019/472.

(15) In accordance with Article 7 of Regulation (EU) 2018/973, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that Regulation 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 can 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.

[1] 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).

(16) The TACs for bluefin tuna (*Thunnus thynnus*) 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 Council[1].

(17) 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.

[1] 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).

(18) Council Regulation (EC) No 847/96[1] 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 their biological status. 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.

(19) 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 Treaty on the Functioning of the European Union (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.

(20) 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.

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[1] 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).

(21) 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.

(22) 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.

(23) 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 that 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.

(24) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009[1], and in particular to 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.

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[1] 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) 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).

(25) The Union TAC for Greenland halibut (*Reinhardtius hippoglossoides*) 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.

(26) At its annual meeting in 2021, the North-East Atlantic Fisheries Commission (NEAFC) adopted a conservation measure for the two redfish (*Sebastes marinus* and *Sebastes mentella*) 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 relevant TAC should be established in line with the Union position expressed in NEAFC.

(27) For Greenland halibut in international waters of ICES subareas 1 and 2, taking into account the ICES scientific advice for 2022, a TAC of 1 766 tonnes should be fixed.

(28) At its 2021 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) decided to maintain in 2022 the current TACs for bluefin tuna, swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), yellowfin tuna (*Thunnus albacares*) and blue shark (*Prionace glauca*). ICCAT also established a TAC for bigeye tuna (*Thunnus obesus*) of 62 000 tonnes for 2022. Those measures should be implemented in Union law.

(29) In order to reduce the fishing mortality of juvenile bigeye and yellowfin tuna, ICCAT also established a maximum limit of 300 fish-aggregating devices (FADs) per vessel in 2022 and a closure period for the use of FADs. Those measures should be implemented in Union law.

(30) ICCAT also adopted a 15-year rebuilding plan for Mediterranean albacore (*Thunnus alalunga*) from 2022 to 2036. For 2022, ICCAT set the TAC for Mediterranean albacore at 2 500 tonnes. In addition, ICCAT adopted a TAC for North Atlantic albacore of 37 801 tonnes for the period from 2022 to 2023, based on the harvest control rule with a view to adopting a long-term management procedure for this stock. Those measures should be implemented in Union law.

(31) At its 2021 annual meeting, ICCAT also adopted a recovery plan for North Atlantic shortfin mako (*Isurus oxyrinchus*) caught in association with other ICCAT fisheries to end overfishing and gradually achieve biomass levels sufficient to support MSY by 2070. The recovery plan includes a two-year retention ban starting in 2022. The total fishing mortality was set at a maximum of 250 tonnes until new scientific advice is provided. Those measures should be implemented in Union law.

(32) Under several ICCAT recommendations, the Union is allowed, upon request, to carry over a set percentage of its unused quota of fishing opportunities from 2020 to 2022. Pending the implementation of those ICCAT recommendations in Union law, the quotas for individual Member States for certain stocks should be established on the basis of a total Union quota for 2022 as determined by ICCAT before any carry-over of unused quotas or deductions for quantities overfished made by ICCAT. The adjustments to the quotas of individual Member States for 2022 reflecting any carry-overs and deductions should be carried out at a later stage on the basis of Union rules on carry-over and deductions, such as Regulation (EC) No 847/96, Article 15(9) of Regulation (EU) No 1380/2013 or Article 105 of Regulation (EC) No 1224/2009.

(33) Northern albacore was overfished by some Member States in 2019, resulting in overfishing of the total Union quota and the application of a deduction by ICCAT, despite the fact that other Member States did not exhaust their individual quotas in the same year. In order to address this particular situation, Council Regulation (EU) 2021/92[1] should be amended by establishing quotas for northern albacore for individual Member States in accordance with the principle of relative stability and on the basis of the total Union quota as determined by ICCAT for 2021 before any adjustments due to overfishing or underfishing by Member States are made. Quota adjustments should then be applied on the basis of Union rules on carry-over and deductions such as Regulation (EC) No 847/96, Article 15(9) of Regulation (EU) No 1380/2013 or Article 105 of Regulation (EC) No 1224/2009 in order to ensure that the total Union quota for northern albacore takes into account the adjustments made by ICCAT.

(34) 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.

[1] 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).

(35) 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 were confirmed by the IOTC Secretariat only after the end of the official period of objection on 17 December 2021. The confirmed revised catch limits for yellowfin tuna should be implemented in Union law later.

(36) 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 that are functionally linked to the TACs should therefore be provisionally maintained until the annual meeting is held and the TACs for 2022 are determined.

(37) 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 FADs. Those measures should be implemented in Union law.

(38) At its 2021 annual meeting, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) set the annual TAC for southern bluefin tuna (*Thunnus maccoyii*) 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.

(39) 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 (*Dissostichus eleginoides*) and deep-sea red crabs (*Chaceon* spp.) were slightly reduced in accordance with the scientific advice. Those measures should be implemented in Union law.

(40) At its 2021 annual meeting, the Western and Central Pacific Fisheries Commission (WCPFC) decided to maintain the current measures applicable in the WCPFC Convention Area. Those measures should be implemented in Union law.

(41) 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.

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

(43) As regards the fishing opportunities for snow crab (*Chionoecetes* spp.) around the area of Svalbard, 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 that Treaty, including with respect to fishing. The view of the Union concerning that access, as regards fishing for snow crab on the continental shelf around Svalbard, has been set out in several *notes verbales* to Norway, the latest of which dated 26 February 2021 and 28 June 2021. In order to ensure that the exploitation of snow crab around Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea and the 1920 Treaty of Paris, 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.

(44) As the discussions with Norway on equal and non-discriminatory access to Svalbard waters for Union fleets fishing for cod (*Gadus morhua*) in that area are ongoing and should be concluded in the beginning of 2022, it is appropriate that the Union establishes for the first quarter of 2022 a provisional Union quota. The level of that provisional quota should be fixed at 4 500 tonnes, taking into account the seasonality of the fishery. The quotas should be allocated to the Member States in accordance with Council Decision 87/277/EEC[1] subject to the adaptations necessary due to the withdrawal of the United Kingdom from the Union and due to the ratio of the level of the provisional Union quota to the Union share of the stock.

(45) 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 Guiana[2], it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.

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1 Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

2 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).

(46) 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.

(47) 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; 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 of the European Parliament and of the Council[1].

[1] 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).

(48) 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.

(49) Certain international measures that create or restrict fishing opportunities for the Union were adopted by the relevant regional fisheries management organisations (RFMOs) at the end of 2021 and became 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. Moreover, in accordance with ICCAT rules, Member States should ensure that their vessels do not deploy FADs during the 15 days before the start of the closure period, i.e. from 17 December 2021 onwards.

(50) In accordance with the procedure provided for in the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the Protocol implementing that Agreement[1], the Joint Committee has established the level of fishing opportunities available for the Union in Greenland waters in 2022. Those measures should be implemented in Union law.

(51) In 2021, the Union, the United Kingdom and Norway held trilateral consultations on six shared and jointly managed stocks in the North Sea area, with the aim to agree on management of those stocks including the fishing opportunities for the next year. Those consultations were conducted between 28 October and 10 December 2021, on the basis of the Union position agreed by Council. The outcome of the consultations was documented in an Agreed Record, signed by the Head of Delegations of the Union, the United Kingdom and Norway on 10 December 2021. It is therefore proposed to set the relevant fishing opportunities at the level agreed with the United Kingdom and Norway, together with the other provisions of the Agreed Record.

[1] OJ L 175, 18.5.2021, p. 3.

(52) In 2021, the Union and Norway held bilateral consultations on two shared and jointly managed stocks in the Skagerrak area, with the aim to agree on management of those stocks including the fishing opportunities for the next year, as well as exchanges of fishing opportunities. These consultations were conducted between 8 November and 10 December 2021, on the basis of the Union position agreed by Council. The outcome of the consultations was documented in three Agreed Records, signed by the Head of Delegations of the Union and Norway on 10 December 2021. It is therefore proposed to set the relevant fishing opportunities implementing the agreed record with Norway, together with the other provisions of the Agreed Record.

(53) The fishing opportunities for North Sea cod should be established in order to ensure a level playing field for Union operators and to provide for the recovery of that stock. Functionally linked measures jointly agreed with the United Kingdom and Norway should be maintained to allow for the recovery and long-term sustainable management of the stock.

(54) ICES noted in 2019 that the herring (*Clupea harengus*) catches for ICES division 3a should be as close to zero as possible given that without additional area or time restriction on the herring fishery, a catch of western Baltic spring-spawning (WBSS) herring would be inevitable. Recent information by ICES indicates the increasing intermixing of WBSS herring with North Sea herring in the Skagerrak and North Sea, where the majority of WBSS herring catches now occur in the Skagerrak and to a lesser extent in the eastern North Sea.

(55) In the Agreed Record from the bilateral consultations between the Union and Norway for Skagerrak, the Union commits to limit its actual catches in the Skagerrak to 969 tonnes, while Norway agreed to transfer at least 95 % of its quota to the North Sea to protect WBSS herring. Accordingly, it is proposed to limit the overall catches of C (HER/03A.) and D (HER/03A-BC) fleets for the relevant Member States by adding a special condition footnote to the TAC tables of those quotas, while maintaining the level of the quotas in the tables to reflect the relative stability and to regulate the associate inter-area flexibility (IAF). In the case of Norway, the maximum actual catches that could take place in Union waters of ICES division 3a would correspond to 167 tonnes (5 % of its quota).

(56) According to paragraph 13.11 of the Agreed Record from the bilateral consultations between the Union and Norway for Skagerrak, Norway and the Union should be able to fish up to 100 % of their Skagerrak herring quota in the North Sea in order to protect WBSS herring. Pending the conclusion of the bilateral consultations with the United Kingdom for 2022, it could not be confirmed on 20 December that the IAF into United Kingdom waters for 2022 for HER/03A would be maintained. Therefore, it is necessary to make explicit that IAF into United Kingdom waters would not be applicable in the relevant footnotes of the C fleets until the Union and the United Kingdom agreed on such flexibility in the bilateral consultations between those two parties.

(57) In paragraph 13.12 of the Agreed Record from the bilateral consultations between the Union and Norway for Skagerrak, the Union announced its intention to use certain flexibility in the North Sea areas 4a and 4b equal to the Union part of 5,7 % of the A fleet level, or 21 038 tonnes.

(58) The Union held bilateral consultations annually with the Faroe Islands on the exchange of quotas and reciprocal access for 2022. Those consultations did not lead to the conclusion of an agreement in 2021.

(59) Under Article 498(2) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part[1] ('Trade and Cooperation Agreement'), the Union and the United Kingdom are to hold annually consultations to agree, by 10 December of each year, the TACs for the following year for the stocks listed in Annex 35 of the Trade and Cooperation Agreement. Under Article 499(2) of the Trade and Cooperation Agreement, if such TACs are not agreed on 20 December, the Parties are to set provisional TACs.

(60) The bilateral consultations with the United Kingdom were concluded on 21 December. This was too late for the outcome to be included in this Regulation, taking into account that it should apply from 1 January 2022. The Council should therefore, in full respect of the United Nations Convention on the Law of the Sea and rights and obligations of the coastal states as well as their sovereignty and jurisdiction, fix provisional TACs to be fished in Union and international waters, and waters to which the Union fishing vessels are granted access by third countries. The outcome of the consultations under Article 498 of the Trade and Cooperation Agreement, as expressed in the Written Record signed on 21 December 2021, should be reflected in an amendment to this Regulation, which should be adopted as soon as possible.

[1] OJ L 149, 30.4.2021, p. 10.

(61) The provisional TACs should aim to ensure legal certainty for the Union operators and to ensure the continuation of sustainable fishing activities until such an amendment is adopted.

(62) That approach is based on Article 499(2) of the Trade and Cooperation Agreement, which provides that, if a stock listed in Annex 35 to that Agreement or in Tables A and B of Annex 36 to that Agreement remains without an agreed TAC, each Party is to set a provisional TAC corresponding to the level advised by ICES, applying from 1 January. Pursuant to Article 499(3), (4) and (5) of the Trade and Cooperation Agreement, and by way of derogation from paragraph 2 of that Article, the TACs for special stocks are to be set in accordance with the guidelines that were to be adopted by the Specialised Committee on Fisheries by 1 July 2021.

(63) Therefore, as a general approach, the provisional fishing opportunities for the Union should be based on the ICES advice for 2022. They should correspond to the Union share agreed under the Trade and Cooperation Agreement.

(64) Without prejudice to, and taking into account the absence of, the guidelines for special stocks, the TACs for those stocks should be consistent with Article 499 of the Trade and Cooperation Agreement.

(65) The provisional TACs should also comply with the applicable Union legal framework, in particular Article 4, Article 5(3) and Article 8 of Regulation (EU) 2019/472 and Article 4, Article 5(3) and Article 7 of Regulation (EU) 2018/973.

(66) There are certain stocks for which ICES has issued scientific advice for no catches. If provisional TACs for those stocks were established at the level indicated in the scientific advice, the obligation to land all catches, including by-catches from those stocks, in mixed fisheries would lead to the phenomenon of 'choke species'. In order to strike the right balance between continuing fisheries in view of the potentially severe socio-economic implications and the need to achieve a good biological status for those stocks, taking into account the difficulty of fishing all stocks in a mixed fishery at MSY at the same time, it is appropriate to establish provisional TACs for by-catches for those stocks. The level of those TACs should be such that mortality for those stocks is decreased and that it provides incentives for improvements in selectivity and avoidance of catches of those stocks. In order to reduce catches of the stocks for which by-catch provisional 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.

(67) As a general approach, the provisional TACs should be based on a rollover of the TACs adopted by the Council for 2021, applying a 25 % ratio to the 2021 TAC levels, in order to cover the first quarter of 2022. That approach does not prejudge the definitive TACs.

(68) The stocks for which a percentage higher than 25 % should apply should be determined on the basis of the analysis of the quota uptake in the first quarter of the last four years (2018–2021) by the Member States. Provisional TACs have been assessed in accordance with the scientific advice and taking into account the Union shares established in the Trade and Cooperation Agreement and do not exceed the definitive TACs agreed with the United Kingdom. Those increased provisional TACs should be in accordance with the ICES advice, the applicable Union legal framework and the Trade and Cooperation Agreement. They will enable Union fishing vessels to use the fishing opportunities to which they are entitled and of which they would be otherwise deprived, due to the seasonality of fishing of the stocks concerned.

(69) This level is considered in principle to be sufficient for the Union fishing vessels at least until 31 March 2022.

(70) The Union has consulted the United Kingdom on the approach for setting provisional TACs.

(71) Northern European seabass is a stock shared with the United Kingdom, therefore provisional measures should be set for the first quarter of 2022 for this stock, pending the implementation of the outcome of the consultations with the United Kingdom.

(72) In order to take into account the application of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, a quota-exchange mechanism should be established for a number of stocks.

(73) Seasonal closures for sandeel (*Ammodytes* spp.) fisheries with certain towed gear in ICES divisions 2a and 3a and in ICES subarea 4 should be continued to allow for the protection of spawning grounds and limitation of juvenile catches,

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 are to 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 expressly referred to in the relevant provisions of this Regulation; and

   (b) commercial fisheries from shore.

*Article 3*

*Definitions*

For the purposes of this Regulation, the definitions in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions 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 Council[1];

(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;

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[1] 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’ means 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 Council[1];

(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;

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1 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).

(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:

– 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 7º 23' 48″ W;

(k) ‘CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) Convention Area’ means the geographical area defined in Article 2, point (a), of Council Regulation (EC) No 601/2004[1];

(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 Council[2];

(m) ‘IATTC (Inter-American Tropical Tuna Commission) Convention Area’ means 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 Rica (Antigua Convention)[3];

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1 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).

2 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).

3 OJ L 224, 16.8.2006, p. 24. 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).

(n) 'ICCAT (International Commission for the Conservation of Atlantic Tunas) Convention Area' means the geographical area defined in the International Convention for the Conservation of Atlantic Tunas[1];

(o) 'IOTC (Indian Ocean Tuna Commission) Area of Competence' means the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission[2];

(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 Council[3];

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1 OJ L 162, 18.6.1986, p. 34. 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).

2 OJ L 236, 5.10.1995, p. 25. 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).

3 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).

(q) ‘SEAFO (South East Atlantic Fisheries Organisation) Convention Area’ means the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[1];

(r) ‘SIOFA (Southern Indian Ocean Fisheries Agreement) Agreement Area’ means the geographical area defined in the Southern Indian Ocean Fisheries Agreement[2];

(s) ‘SPRFMO (South Pacific Regional Fisheries Management Organisation) Convention Area’ means the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean[3];

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1 OJ L 234, 31.8.2002, p. 40. 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).

2 OJ L 196, 18.7.2006, p. 15. 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).

3 OJ L 67, 6.3.2012, p. 3. 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).

(t) ‘WCPFC (Western and Central Pacific Fisheries Commission) Convention Area’ means the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean[1];

(u) ‘high seas of the Bering Sea’ means 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’ means the geographical area defined by the following limits:

– longitude 150º W,

– longitude 130º W,

– latitude 4º S,

– latitude 50º S.

[1] OJ L 32, 4.2.2005, p. 3. 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).

# 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, where appropriate, the conditions functionally linked thereto 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 in the fishing zone around Jan Mayen subject to the TACs set out in Annex I to this Regulation and subject to the conditions provided for in Article 20 and Part A of Annex V of this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council[1] and its implementing provisions.

[1] 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).

3. Union fishing vessels may be authorised to fish in waters under the fisheries jurisdiction of the United Kingdom subject to the TACs in Annex I to this Regulation and subject to the conditions provided for in Article 20 of this Regulation and in Regulation (EU) 2017/2403 and its implementing provisions.

*Article 6*

*TACs to be determined by Member States*

1. The TACs for certain fish stocks 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 the principles and rules of the CFP, in particular the principle of sustainable exploitation of the stock; and

(b) result in an exploitation of the stock that is:

(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, assessed and used as a basis for the determination of the TACs;

(c) details as to how the determined TACs comply with paragraph 2.

*Article 7*

*Application of provisional TACs*

1. Where a reference is made to this paragraph in a fishing opportunities table in Annex IA or Annex IB, the fishing opportunities in that table shall apply provisionally from 1 January to 31 March 2022. Those provisional fishing opportunities shall be without prejudice to the setting of definitive fishing opportunities for 2022 in line with the outcomes of international negotiations and consultations, in accordance with the scientific advice and the applicable provisions of Regulation (EU) No 1380/2013 and relevant multiannual plans.

2. Union vessels may fish for stocks subject to the provisional fishing opportunities referred to in paragraph 1 in Union and international waters and in waters of third countries that have granted access to their waters for Union vessels.

*Article 8*

*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 quota 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 9*

*Quota-exchange mechanism for TACs for unavoidable by-catches*

1. In order to take account 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 (*Gadus morhua*) 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 ('the pool'), which shall open on 1 January 2022. Member States without a 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 a quota shall provide in return quotas for stocks listed in the Appendix to Annex IA, unless the Member State without a quota and the Member State contributing to the pool agree otherwise.

5. The quotas referred to in paragraph 4 shall be of equivalent commercial value, determined on the basis of a market exchange rate or other mutually acceptable exchange rates. In the absence of alternatives, the equivalent 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 10*

*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 adopt an implementing act by which it allocates to that Member State 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. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 58(2) of this Regulation.

3. At the request of a Member State, the Commission may adopt an implementing act by which it allocates to that 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. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 58(2) of this Regulation.

*Article 11*

*Measures on European seabass fisheries*

*in ICES divisions 4b and 4c and ICES subarea 7*

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass (*Dicentrarchus labrax*) in ICES divisions 4b and 4c and in ICES subarea 7 or to retain on board, tranship, relocate or land European seabass caught in that area.

2. The prohibition set out in paragraph 1 shall not apply to by-catches of seabass in shore-based commercial netting activities. This exemption applies to historic numbers of beach nets set at pre-2017 levels. Shore-based commercial netting activities shall not target seabass and only unavoidable by-catches of seabass may be landed.

3. By way of derogation from paragraph 1, in January 2022, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h may fish for, retain on board, tranship, relocate or land European seabass caught in that area with the following gear and within the following limits:

   (a) using demersal trawls[1], for unavoidable by-catches not exceeding 380 kilogrammes per two months and 5 % of the weight of the total catches of marine organisms on board caught by the vessel concerned per fishing trip;

[1] All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

(b) using seines[1], for unavoidable by-catches not exceeding 380 kilogrammes per two months and 5 % of the weight of the total catches of marine organisms on board caught by the vessel concerned per fishing trip;

(c) using hooks and lines[2], not exceeding 1,43 tonnes per vessel;

(d) using fixed gillnets[3], for unavoidable by-catches not exceeding 0,35 tonnes per vessel.

The derogation set out in the first subparagraph, point (c), shall apply to Union fishing vessels that have recorded catches of European seabass using hooks and lines over the period from 1 July 2015 to 30 September 2016.

The derogation set out in the first subparagraph, point (d), shall apply to Union fishing vessels that have recorded catches of European seabass using fixed gillnets over the period from 1 July 2015 to 30 September 2016.

In the case of a replacement of a Union fishing vessel, Member States may allow those derogations to apply to another Union fishing vessel provided that the number of Union fishing vessels subject to each of the derogations and their overall fishing capacity do not increase.

4. The catch limits set out in paragraph 3 shall not be transferable between vessels and, where a bi-monthly limit applies, from one two-month period to another.

For Union fishing vessels using more than one gear in two calendar months, the lowest catch limit set out in paragraph 3 for either gear shall apply.

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1 All types of seines (SSC, SDN, SPR, SV, SB and SX).
2 All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).
3 All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

Member States shall report to the Commission all catches of European seabass per type of gear no later than 15 days after the end of each month.

5. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a, 7a to 7k:

(a) from 1 January to 28 February:

(i) only catch-and-release fishing with a rod or a handline for European seabass shall be allowed;

(ii) it shall be prohibited to retain on board, relocate, tranship or land European seabass caught in that area;

(b) from 1 to 31 March:

(i) a maximum of two specimens of European seabass may be caught and retained per fisher per day;

(ii) the minimum size of European seabass retained shall be 42 cm;

(iii) fixed nets shall not be used to catch or retain European seabass.

6. Paragraph 5 shall be without prejudice to more stringent national measures on recreational fisheries.

7. This Article shall apply from 1 January to 31 March 2022.

*Article 12*

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

1. France and Spain shall ensure that the fishing mortality of the European seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries does 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) a maximum of two specimens of European seabass may be caught and retained per fisher per day;

   (b) fixed nets 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 13*

*Measures on European eel fisheries in Union waters of the ICES area*

Any targeted, incidental and recreational European eel (*Anguilla anguilla*) fishing activity, as defined in Article 4(1), point (28), of Regulation (EU) No 1380/2013, shall be prohibited in Union waters of the ICES area and brackish waters such as estuaries, coastal lagoons and transitional waters for a consecutive three-month period.

Each Member State concerned shall determine that period, which shall fall between 1 August 2022 and 28 February 2023, to ensure that the prohibition covers the periods of the highest migration of European eel.

Member States shall no later than 1 June 2022 communicate the determined period to the Commission together with the supporting information justifying the chosen prohibition period.

*Article 14*

*Special provisions on allocations of fishing opportunities*

1. The allocation of fishing opportunities among Member States set out in this Regulation shall be without prejudice to:

   (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;

   (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;

   (c) reallocations made pursuant to Articles 12 and 47 of Regulation (EU) 2017/2403;

   (d) additional landings allowed 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 made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;

(g) quota transfers and exchanges made pursuant to Article 21 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 Article 3(2) and (3) and Article 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 15*

*Closed fishing seasons for sandeels*

Commercial fishing for sandeels (*Ammodytes* spp.) with demersal trawl, seine or similar towed gears with a mesh size of less than 16 mm shall be prohibited in ICES divisions 2a and 3a and ICES subarea 4 from 1 January to 31 March 2022.

*Article 16*

*Remedial measures for cod in the North Sea*

1. The areas closed 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 longlines[1] 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;

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

(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 Part B, point 1.1, 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 by the relevant national scientific body in the case of third countries, and, where deemed necessary, further revised if such assessments find that the objective of the national cod avoidance plan will not be met.

4. Member States shall enhance the monitoring, control and surveillance of vessels referred to in paragraph 2 in order to ensure compliance with the conditions laid down in paragraph 3.

5. This Article shall not apply to fishing operations conducted for the exclusive purpose of scientific investigations, provided that those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.

*Article 17*

*Remedial measures for cod in the Kattegat*

1. Union vessels fishing in the Kattegat with bottom trawls[1] 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;

[1] Gear codes: OTB, OTT, OT, TBN, TBS, TB, TX, PTB.

(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 those investigations are carried out in compliance with Article 25 of Regulation (EU) 2019/1241.

*Article 18*

*Prohibited species*

1. Union fishing vessels shall not fish for, retain on board, tranship or land the following species:

(a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 2a, 3a and 7d, and ICES subarea 4;

(b) splendid alfonsino (*Beryx splendens*) in NAFO subarea 6;

(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 19*

*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 20*

*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 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 21*

*Quota transfers and exchanges*

1. Where the rules of a regional fisheries management organisation (RFMO) permit quota transfers or exchanges between the Contracting Parties to that RFMO, a Member State ('the Member State concerned') may discuss with a Contracting Party to that RFMO and establish a possible outline of an intended quota transfer or exchange, as appropriate. The Member State concerned shall notify the Commission of the outline.

2. On being notified in accordance with paragraph 1, the Commission may endorse the outline of the intended quota transfer or exchange. If the Commission endorses the outline, it shall express, without undue delay, the consent to be bound by the intended quota transfer or exchange. It shall notify the secretariat of the RFMO of the transfer or exchange in accordance with the rules of that RFMO.

3. The Commission shall inform the Member States of any 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 when the transfer or exchange takes effect under the terms of the agreement with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance 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.

## SECTION 2

## NEAFC CONVENTION AREA

*Article 22*

*Closures for redfish in the Irminger Sea*

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 23*

*Fishing, farming and fattening capacity limitations*

1. The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna (*Thunnus thynnus*) 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 (*Thunnus alalunga*) as a target species in accordance with Article 12 of Council Regulation (EC) No 520/2007[1] 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 (*Thunnus obesus*) in the ICCAT Convention Area shall be limited as set out in point 8 of Annex VI.

*Article 24*

*Recreational fisheries*

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

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[1] 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).

*Article 25*

*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*) caught in any fishery.

5. It shall be prohibited to retain on board silky sharks (*Carcharhinus falciformis*) caught in any fishery.

6. It shall be prohibited to retain on board, tranship or land any part or whole carcass of North Atlantic shortfin mako (*Isurus oxyrinchus*) caught in fisheries in the ICCAT Convention Area.

*Article 26*

*FADs for tropical tunas*

1. It shall be prohibited to use FADs in the ICCAT Convention Area from 1 January to 13 March 2022.

2. During the 15 days before the start of the period referred to in paragraph 1, Member States shall ensure that their vessels do not deploy FADs. Each vessel shall have no more than 300 FADs with operational buoys deployed at any time in the ICCAT Convention Area.

3. Member States shall report to the Commission historical data on fishing gear set around FADs by their purse-seine vessels by 30 June 2022. If a Member State does not report those data by that date, vessels flying its flag shall not set fishing gear around FADs until the Commission receives those data from that Member State for further reporting to ICCAT.

## SECTION 4

## CCAMLR CONVENTION AREA

*Article 27*

*Exploratory fisheries notifications for toothfish*

Member States may participate in longline exploratory fisheries for toothfish (*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 28*

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

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 fishing 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 48.6 and 88.1 as well as in FAO division 58.4.3a, where permitted under Article 27, shall be prohibited in depths of less than 550 m.

*Article 29*

*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 notification referred to in paragraph 1 of this Article 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, at the time of the notification:

(a) are flying its flag; or

(b) are flying the flag of another CCAMLR member and are expected to be flying the flag of that Member State at the time the fishery takes place.

4. Where an authorised vessel 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 concerned may authorise its replacement by another vessel. In such a case, the Member State 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; and

(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 30*

*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 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 a transfer of capacity to the fleet of a Member State is proposed, that Member State shall ensure that vessels to be transferred are on the IOTC record of authorised vessels or on the record of vessels of other RFMOs managing tuna fisheries. 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 31*

*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 32*

*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, 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 33*

*Mobulid rays*

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

   However, 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.

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 those specimens.

## SECTION 6

## SPRFMO CONVENTION AREA

*Article 34*

*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 referred to in paragraph 1 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 transhipment in the SPRFMO Convention Area;

   (b) monthly catch reports.

## SECTION 7

## IATTC CONVENTION AREA

*Article 35*

*Purse-seine fisheries*

1. Purse-seine vessels shall not fish for yellowfin tuna (*Thunnus albacares*), bigeye tuna or skipjack tuna (*Katsuwonus pelamis*):

   (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 150º W,

   – latitude 40º N,

   – latitude 40º 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 96º W,

– longitude 110º W,

– latitude 4º N,

– latitude 3º S.

2. For each of the vessels referred to in paragraph 1 and flying the flag of a Member State, that flag Member State shall inform the Commission before 1 April 2022 which of the closure periods referred to in paragraph 1, point (a), the vessel has selected.

3. Purse-seine vessels fishing for tuna in the IATTC Convention Area shall retain on board and then tranship or land all yellowfin, bigeye and skipjack tuna that they catch.

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 well space remaining to accommodate all the tuna caught in that set.

*Article 36*

*Drifting FADs*

1. A purse-seine vessel shall have no more than 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 closure period selected in accordance with Article 35(1), point (a), 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.

*Article 37*

*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 38*

*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 oceanic whitetip sharks shall not be harmed and shall be promptly released by vessel operators.

3. Vessel operators shall record the number of releases with indication of status (dead or alive) and report that information to the Member State of which they are nationals.

   Member States shall transmit that information collected during the previous year to the Commission by 31 January.

*Article 39*

*Prohibition of fishing for mobulid rays*

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

## SECTION 8

## SEAFO CONVENTION AREA

*Article 40*

*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 41*

*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 42*

*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 located 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. 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.

*Article 43*

*Prohibition on discards of tropical tunas caught by purse seiners*

1. All purse-seine vessels fishing in the part of the WCPFC Convention Area located between 20° N and 20° S shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna that they catch.

2. Paragraph 1 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.

*Article 44*

*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 45*

*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 46*

*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 47*

*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 IATTC register shall apply the measures set out in Article 35(1), point (a), Article 35(2), (3) and (4), and Articles 36, 37 and 38 when fishing in the overlap area between the IATTC and WCPFC Convention Areas.

## SECTION 10

## BERING SEA

*Article 48*

*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 49*

*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 and 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 50*

*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 subject to the TACs set out in Annex I to this Regulation and subject to the conditions provided for in this Regulation and Title III of Regulation (EU) 2017/2403.

*Article 51*

*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 subject to the TACs set out in Annex I to this Regulation and subject to the conditions provided for in this Regulation and Regulation (EU) 2017/2403.

*Article 52*

*Quota transfers and exchanges with the United Kingdom*

1. Any quota transfer or exchange between the Union and the United Kingdom shall take place in accordance with this Article.

2. 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 Member State concerned shall notify the Commission of the outline.

3. If the Commission endorses an outline of the quota transfer or exchange referred to in paragraph 2 notified by the Member State concerned, it 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.

4. The fishing opportunities 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 when the quota transfer or exchange has been notified in accordance with paragraph 3. Such transfers and exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.

*Article 53*

*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 54*

*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 55*

*Conditions for landing catches and by-catches*

The conditions laid down in Article 8 shall apply to the catches and by-catches of third-country vessels fishing under the authorisations referred to in Article 54.

*Article 56*

*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 (*Amblyraja 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 all 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 57*

*Amendments to Regulation (EU) 2021/92*

Regulation (EU) 2021/92 is amended as follows:

(1) In Annex IB, the fishing opportunities table for capelin in Greenland waters of 5 and 14 (CAP/514GRN) is replaced by the following:

| "Species: | Capelin<br>*Mallotus villosus* | | Zone: | Greenland waters of 5 and 14<br>(CAP/514GRN) |
|---|---|---|---|---|
| Denmark | 0 | | Analytical TAC | |
| Germany | 0 | | Article 3 of Regulation (EC) No 847/96 shall not apply | |
| Sweden | 0 | | | |
| All Member States | 0 | (1) | Article 4 of Regulation (EC) No 847/96 shall not apply | |
| Union | 0 | (2) | | |
| Norway | 69 623 | (2) | | |
| TAC | Not relevant | | | |
| (1) | Denmark, Germany and Sweden may access the 'All Member States' quota only once they have exhausted their own quota. However, Member States with more than 10 % of the Union quota shall not access the 'All Member States' quota at all. Catches to be counted against this shared quota shall be reported separately (CAP/514GRN_AMS). | | | |
| (2) | For a fishing period from 15 October 2021 to 15 April 2022.";| | | |

(2) In Annex ID, the fishing opportunities table for northern albacore (ALB/AN05N) is replaced by the following:

| "Species: | Northern albacore<br>*Thunnus alalunga* | Zone: | Atlantic Ocean, north of 5° N<br>(ALB/AN05N) |
|---|---|---|---|
| Ireland | 3 174,03 | Analytical TAC | |
| Spain | 17 890,00 | Article 3 of Regulation (EC) No 847/96 shall not apply | |
| France | 5 626,69 | | |
| Portugal | 1 962,13 | Article 4 of Regulation (EC) No 847/96 shall not apply | |
| Union | 28 652,85 (1) | | |
| TAC | 37 801 | | |
| (1) | The number of Union fishing vessels fishing for northern albacore as a target species, in accordance with Article 12 of Regulation (EC) No 520/2007, shall be 1 253. Those quotas shall be subject to the appropriate deductions pursuant to Article 105 of Regulation (EU) No 1224/2009, in order to implement quotas allocated to the Member States under this Regulation with the adaptations respecting the Union's overall quota at ICCAT level.". | | |

*Article 58*

*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 59*

*Transitional provision*

Articles 10, 16, 17, 18, 25, 32, 33, 38, 39, 40, 46, 48 and 56 shall continue to apply, *mutatis mutandis*, in 2023 until the entry into force of the Regulation fixing the fishing opportunities for 2023.

*Article 60*

*Entry into force and application*

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. However:

(a) the provisions on fishing opportunities set out in Articles 27, 28 and 29, and Annex VII for stocks indicated in that Annex in the CCAMLR Convention Area shall apply from 1 December 2021;

(b) Article 26(2) shall apply from 17 December 2021;

(c) Article 57, point (1), shall apply from 15 October 2021 to 15 April 2022;

(d) Article 57, point (2), shall apply from 1 January 2021;

(e) 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*