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NOTE

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

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

Annex

COMMISSION SERVICES NON PAPER

30 NOVEMBER 2022

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

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

Contents

1. AMENDMENTS IN RELATION TO ANCHOVY IN THE BAY OF BISCAY 3
2. AMENDMENTS IN RELATION TO COD IN THE KATTEGAT 4
3. AMENDMENTS IN RELATION TO HORSE MACKEREL IN IBERIAN WATERS 6
4. AMENDMENTS IN RELATION TO ROUNDNOSE GRENADIER IN THE SKAGERRAK AND KATTEGAT 7
5. AMENDMENTS IN RELATION TO CCAMLR 8

1. AMENDMENTS IN RELATION TO ANCHOVY IN THE BAY OF BISCAY

EXPLANATORY NOTE

The International Council for the Exploration of the Sea (ICES) is scheduled to publish its scientific advice for anchovy (*Engraulis encrasicolus*) in ICES subarea 8 (Bay of Biscay) for 2023 on 16 December 2022. This means that the advice will be published after the scheduled agreement on the Regulation fixing for 2023 the fishing opportunities for certain fish stocks by the Agriculture and Fisheries (AGRIFISH) Council on 11-12 December 2022.

To avoid interruption of the fishing activities until the advice for 2023 becomes available, it is therefore proposed to set a provisional TAC for anchovy in ICES subarea 8 at the level of 21 000 tonnes for the period from 1 January to 30 June 2023. That level corresponds to approximately the catches of that stock in that period in 2022. Following the publication of the advice for 2023, the Commission may submit a proposal for a definitive TAC by means of an in-year amendment to the Council Regulation fixing for 2023 the fishing opportunities for certain fish stocks.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, the fishing opportunities table for anchovy (*Engraulis encrasicolus*) in ICES subarea 8 is replaced by the following:

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Species:	Anchovy *Engraulis encrasicolus*		Zone:	8 (ANE/08.)
Spain	18 900	(1)	Analytical TAC	
France	2 100	(1)		
Union	21 000	(1)		
TAC	21 000	(1)		
(1)	This quota may only be fished from 1 January 2023 to 30 June 2023.			

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2. AMENDMENTS IN RELATION TO COD IN THE KATTEGAT

EXPLANATORY NOTE

On 30 June 2022, ICES published its scientific advice[1] for cod (*Gadus morhua*) in ICES subdivision 31 (Kattegat) for 2023. ICES provides precautionary advice for that stock, and advises that there should be zero catch in 2023.

Pursuant to Articles 5(1) and 5(3) of Regulation (EU) 2018/973[2], in order to strike a balance between maintaining fisheries, in view of the potentially severe socioeconomic implications of failing to do so, and the need to achieve a good biological status, 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 unavoidable by-catches for such stocks for which ICES advises zero catches.

On 10 November 2022, ICES provided a technical service[3] on catch scenarios for cod in the Kattegat, which indicates that catches in 2021 of that stock were 50 tonnes, and notes that those catches are the lowest in the time-series.

In light of the above, it is therefore proposed to set a TAC for unavoidable by-catches of that stock (in the Norway lobster fishery) for 2023 at the level of 50 tonnes, in line with the ICES technical service. This represents a decrease of -48% compared to the TAC set for 2022.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, the fishing opportunities table for cod (*Gadus morhua*) in ICES subdivision 31 (Kattegat) is replaced by the following:

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Species:	Cod *Gadus morhua*			Zone:	Kattegat (COD/03AS.)
Denmark		30	(1)(2)	Precautionary TAC	
Germany		1	(1)(2)	Article 3 of Regulation (EC) No 847/96 shall not apply	

1 https://doi.org/10.17895/ices.advice.19447865

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

3 https://doi.org/10.17895/ices.advice.21458106

Sweden	19	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	50	(1)(2)	
TAC	50	(1)(2)	

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

(2) In addition to these quotas, a Member State may grant to vessels flying its flag and participating in trials on remote electronic monitoring an additional allocation, within an overall limit of 30 % of the quota allocated to that Member State. Each vessel participating in trials on remote electronic monitoring shall take no more than 300 kg. Catches from this additional allocation shall be reported separately (COD/03AS_REM). This shall be without prejudice to the relative stability.

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3. AMENDMENTS IN RELATION TO HORSE MACKEREL IN IBERIAN WATERS

EXPLANATORY NOTE

On 17 December 2018, ICES published a special request advice[4] ('2018 special request advice') on inter-area flexibilities (IAFs) for quotas of horse mackerel (*Trachurus spp.*) between ICES division 9a (Atlantic Iberian waters) and division 8c (southern Bay of Biscay), setting out a method for establishing IAFs in line with the precautionary approach. In accordance with that special request advice: *'There should be no transfer of TAC [total allowable catch] to a stock with a spawning–stock biomass (SSB) below B_{lim}.'* B_{lim} is the biomass below which there may be reduced reproductive capacity.

On 30 September 2022, ICES published its scientific advice[5] for the western horse mackerel stock (horse mackerel in ICES subarea 8, including division 8c, and divisions 2a, 4a, 5b, 6a, 7a to 7c and 7e to 7k) for 2023 ('western horse mackerel advice for 2023'). ICES provides MSY) advice for that stock and advises that the SSB is currently below B_{lim} and that it is forecast to remain below B_{lim} in 2024 under a zero catch scenario for 2023. ICES also advises that there should be zero catch in 2023.

In light of the above, it is therefore proposed to set at zero the quota percentage subject to the 'special condition' regarding the quotas of horse mackerel in ICES subarea 9. In accordance with that special condition, Spain and Portugal may fish a percentage of their quotas of horse mackerel in ICES division 8c instead of in ICES subarea 9.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, the fishing opportunities table for horse mackerel (*Trachurus spp.*) in ICES subarea 9 is replaced by the following:

"

Species:	Horse mackerel *Trachurus spp.*		Zone: 9 (JAX/09.)
Spain	40 879	(1)	Analytical TAC
Portugal	117 126	(1)	Article 7(2) of this Regulation applies
Union	158 005		
TAC	165 173		
(1)	Special condition: up to 0 % of this quota may be fished in 8c (JAX/*08C.).		

[4] https://doi.org/10.17895/ices.pub.4672
[5] https://doi.org/10.17895/ices.advice.19772383

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4. AMENDMENTS IN RELATION TO ROUNDNOSE GRENADIER IN THE SKAGERRAK AND KATTEGAT

EXPLANATORY NOTE

On 10 June 2022, ICES published its scientific advice for roundnose grenadier (*Coryphaenoides rupestris*) in ICES division 3a (Skagerrak and Kattegat) for 2023 and 2024[6]. ICES provides precautionary advice for that stock and advises that there should be zero catch in 2023 and 2024.

Pursuant to Articles 5(1) and 5(3) of Regulation (EU) 2018/973, in order to strike a balance between maintaining fisheries, in view of the potentially severe socioeconomic implications of failing to do so, and the need to achieve a good biological status, taking account of the difficulty of fishing all stocks in a mixed fishery at MSY, it is appropriate to establish specific TACs for by- unavoidable catches for such stocks for which ICES advises zero catches.

ICES was not able to provide a technical service on catch scenarios for that stock. Catches of that stock were minimal in 2020 and 2021 (below 1 tonne).

In light of the above, it is therefore proposed to set the TACs for unavoidable by-catches of roundnose grenadier in EU waters of ICES subarea 3 for 2023 and 2024 at the level of 2 tonnes.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part E, the fishing opportunities table for roundnose grenadier (*Coryphaenoides rupestris*) in EU waters of ICES subarea 3 is replaced by the following:

“

Species:	Roundnose grenadier *Coryphaenoides rupestris*				Zone:	Union waters of 3 (RNG/03-)
Year	**2023**		**2024**			Precautionary TAC
Denmark	1,892	(1)(2)	1,892	(1)(2)		
Germany	0,011	(1)(2)	0,011	(1)(2)		
Sweden	0,097	(1)(2)	0,097	(1)(2)		
Union	2,000	(1)(2)	2,000	(1)(2)		
TAC	2,000	(1)(2)	2,000	(1)(2)		
(1)	Exclusively for by-catches. No directed fisheries are permitted under this quota.					
(2)	No directed fisheries for roughhead grenadier (*Macrourus berglax*) are permitted. By-catches of roughhead grenadier (RHG/03-) shall be counted against this quota and shall not exceed 1 % of the quota.					

6 https://doi.org/10.17895/ices.advice.19453703

5. AMENDMENTS IN RELATION TO CCAMLR

EXPLANATORY NOTE

An error of clerical nature has been detected. A by-catch limit of 26 tonnes rather than of 2 tonnes should apply for grenadiers (*Macrourus spp.*) in research block 48.6_5 in subarea 48.6 of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Convention area. That by-catch limit should be amended accordingly.

AMENDMENTS TO THE ANNEXES

Annex VII, Table B, is replaced by the following:

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Table B

TACs and by-catch limits

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

Subarea	Region	Season	SSRUs or research blocks	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/SSRUs or research blocks	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/whole subarea[7]	Bycatch limit (in tonnes)/SSRUs or research blocks		
						Skates and rays *(Rajiformes)*	Grenadiers *(Macrourus* spp.)[8]	Other species
48.6	Whole subarea	1 December 2022 to 30 November 2023	48.6_2	123	485	6	19	19
			48.6_3	37		1	5	5
			48.6_4	157		7	25	25
			48.6_5	168		8	26	26
88.1	Whole subarea	1 December 2022 to 31 August 2023	A, B, C, G[9] (‘N70’)	664	3495	33	106	33
			G, H, I, J, K[10] (‘S70’)	2307		115	316	115
			Special Research Zone of the Ross	425		21	72	21

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

[8] In area 88.1 and in SSRUs A and B in area 88.2, where the catch of grenadiers (*Macrourus* spp.) taken by a single vessel in any two 10-day periods (i.e. from day 1 to day 10, day 11 to day 20, or day 21 to the last day of the month) in any SSRU exceeds 1 500 kg in each 10-day period and exceeds 16 % of the catch of Antarctic toothfish (*Dissostichus* spp.) by that vessel in that SSRU, the vessel shall cease fishing in that SSRU for the remainder of the season.

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

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

Subarea	Region	Season	SSRUs or research blocks	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/SSRUs or research blocks	Antarctic toothfish (*Dissostichus mawsoni)* catch limit (in tonnes)/whole subarea[7]	Bycatch limit (in tonnes)/SSRUs or research blocks		
						Skates and rays *(Rajiformes)*	Grenadiers *(Macrourus* spp.)[8]	Other species
			Sea Region marine protected area ('SRZ')					
88.2	Whole subarea	1 December 2022 to 31 August 2023	A, B[11] (N70)	Included in the catch limit for N70 in sub-area 88.1		Included in the by-catch limits for N70 in sub-area 88.1		
			A, B[12] (S70)	Included in the catch limit for S70 in sub-area 88.1		Included in the by-catch limits for S70 in sub-area 88.1		
			Part of SSRU_A within SRZ	Included in the catch limit for SRZ in sub-area 88.1		Included in the by-catch limits for SRZ in sub-area 88.1		
			88.2_1	230		11	36	36
			88.2_2	268		13	42	42
			88.2_3	208		10	33	33
			88.2_4	185		9	29	29
		14 December 2022 to 31 August 2023	88.2_H	122		6	19	19

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

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