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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Council Regulation amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters • Commission non-paper

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

COMMISSION SERVICES NON-PAPER

9 MARCH 2022

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

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

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

Updates to the Commission proposal for a Council Regulation amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (COM(2022) 54)

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1. AMENDMENTS IN RELATION TO ICCAT

EXPLANATORY NOTE

At its 2021 annual meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a 15-year rebuilding plan from 2022 to 2036 for Mediterranean albacore (*Thunnus alalunga*). At that same meeting, ICCAT also fixed the overall 2022 TAC for Mediterranean albacore at 2 500 tonnes. Regulation (EU) 2022/109 implemented the outcomes of the 2021 annual meeting of ICCAT in Union law.

The Union quota for Mediterranean albacore was provisionally determined on 10 February 2022 by the ICCAT Working Group dedicated to establishing the allocation key at ICCAT level, as per paragraph 3 of the ICCAT Recommendation 21-06, and it will be subject to endorsement by the 2022 annual meeting of ICCAT. With reference to the Union quota, an agreement on the internal allocation of that Union quota was subsequently reached among Member States. The Commission therefore proposes to implement the Union quota for Mediterranean albacore and its internal allocation in Union law.

Moreover, the Union notified ICCAT of its choices of closure periods and reference year for the capacity limitation to be applied with respect to the Union's Mediterranean Albacore fishery. The Commission proposes to implement those choices in Union law.

Pursuant to Articles 7, 9 and 10 of Regulation (EU) 2016/1627[1] ('the multiannual recovery plan for bluefin tuna'), Member States must establish fishing plans, fishing capacity management plans and farming management plans for bluefin tuna.

Fishing effort limits for Union vessels fishing for bluefin tuna in the ICCAT Convention Area and maximum input and capacity for farms of bluefin tuna are based on information provided in those plans. The fishing, capacity and farming plans for bluefin tuna are transmitted by Member States to the Commission by 31 January each year, in accordance with Article 6(1) of the multiannual recovery plan for bluefin tuna. After incorporating the fishing effort and farming input and capacity limits into the Union fishing and capacity management plan, Article 6(2) of the multiannual recovery plan for bluefin tuna requires the Commission to report that plan to the ICCAT Secretariat for discussion and approval by ICCAT. In 2022, the Union plan was transmitted to ICCAT on 15 February 2022 and endorsed by it during the intersessional meeting of Panel 2 on 3 March 2022. The Commission therefore proposes to implement the fishing effort and farming input and capacity limits in Union law.

Regulation (EU) 2022/109 established a catch limit for bluefin tuna for Italian fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Adriatic Sea for farming purposes. The Commission proposes to correct that catch limit to reflect the transfer by the Union of part of its overall bluefin tuna quota to the United Kingdom in accordance with 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.

AMENDMENTS TO THE RECITALS

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[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).

The following recitals are inserted:

"(11b) The Union quota for Mediterranean albacore (*Thunnus alalunga*) was provisionally determined on 10 February 2022 by the ICCAT (International Commission for the Conservation of Atlantic Tunas) Working Group dedicated to establishing the allocation key at ICCAT level, as per paragraph 3 of the ICCAT Recommendation 21-06, and will be subject to endorsement by the ICCAT at its annual meeting in 2022. The Union quota for Mediterranean albacore and its internal allocation should be implemented in Union law. Moreover, the Union notified ICCAT of its choices of closure periods and reference year for the capacity limitation to be applied with respect to the Union's Mediterranean Albacore fishery. The relevant Union choices towards ICCAT should be implemented in Union law."

"(11c) Fishing effort limits for Union vessels fishing for bluefin tuna (*Thunnus thynnus*) in the ICCAT Convention Area and maximum input and capacity for farms of bluefin tuna are based on information provided in the annual fishing plan, the annual capacity management plan and the annual farming management plan for bluefin tuna. Member States transmit those plans to the Commission, in accordance with Article 6(1) of Regulation (EU) 2016/1627[2]. The fishing effort and maximum input and farming capacity are then reported by the Commission to the ICCAT Secretariat through the Union fishing and capacity management plan for discussion and approval by ICCAT. ICCAT endorsed the Union fishing and capacity management plan on 3 March 2022. The fishing effort and maximum input and farming capacity contained in that plan should be implemented in Union law."

AMENDMENTS TO THE ARTICLES

In Article 1, the following point (5c) is inserted:

"(5c) Annex ID is amended in accordance with Annex IIc to this Regulation."

[2] 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).

In Article 1, the following point (7) is inserted:

"(7) Annex VI, paragraph 4, is amended in accordance with Annex IV to this Regulation."

AMENDMENTS TO THE ANNEXES

The following annexes are inserted:

"**ANNEX IIc**

Amendments to Annex ID to Regulation (EU) 2022/109

In Annex ID, the ninth table establishing catch limits for Mediterranean albacore (*Thunnus alalunga*) in the Mediterranean Sea (ALB/MED) is replaced by the following:

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Species:	Mediterranean albacore *Thunnus alalunga*		Zone:	Mediterranean Sea (ALB/MED)
Croatia	7		Analytical TAC	
Cyprus	431,94		Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	103,26		Article 4 of Regulation (EC) No 847/96 shall not apply	
France	15			
Greece	400			
Italy	1171,29			
Malta	41,19			
Union	2169,68			
TAC	2 500	(1)(2)		

(1) In order to protect juvenile swordfish, a closure period shall also apply to longline vessels targeting Mediterranean albacore from 1 October to 30 November. In addition, Mediterranean albacore, either as a targeted species or as by-catch, shall not be caught, retained on board, transhipped or landed during the following periods:
- Greece, Cyprus, Croatia and Italy: 1 October to 30 November and 1 to 31 March.
- Spain, France and Malta: 1 January to 31 March.

(2) Each Member State shall limit the number of their fishing vessels authorised to fish for Mediterranean albacore to the number of vessels authorised to fish this species in 2017. Member States may apply a tolerance of 10 % to this capacity limit.

’

In Annex ID, twelfth table establishing catch limits for Bluefin tuna (*Thunnus thynnus*) in the Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM), footnote 5 is replaced by the following:

‘(5) Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI (BFT/*643):

Italy	94,91
Union	94,91

’ ”

“**ANNEX IV**

Amendments to Annex VI to Regulation (EU) 2022/109

Annex VI, point 4, is replaced by the following:

‘4. Maximum number of fishing vessels of each Member State that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean.

Table A

	Number of fishing vessels[3]							
	Cyprus[4]	Greece[5]	Croatia	Italy	France	Spain	Malta[6]	Portugal
Purse seiners[7]	1	0	18	21	22	6	1	0
Longliners	27[8]	0	0	40	23	43	63	0
Baitboat	0	0	0	0	8	66	0	76[9]

[3] The numbers in this Table may be further increased, provided that the international obligations of the Union are complied with.

[4] One medium-size purse seiner may be replaced by no more than 10 longline vessels or one small purse seiner and no more than three longline vessels.

[5] One medium-size purse seiner may be replaced by no more than 10 longline vessels or one small-size purse seiner and three other artisanal vessels.

[6] One medium-size purse seiner may be replaced by no more than 10 longline vessels.

[7] The individual numbers of purse seiners in this Table are the result of transfers between Member States and do not constitute historical rights for the future.

[8] Polyvalent vessels, using multi-gear equipment.

[9] Baitboats of the outermost regions of Azores and Madeira.

	Number of fishing vessels[3]							
	Cyprus[4]	Greece[5]	Croatia	Italy	France	Spain	Malta[6]	Portugal
Handline	0	0	12	0	47[10]	1	0	0
Trawler	0	0	0	0	57	0	0	0
Small-scale	0	45	0	0	140	660	120	0
Other artisanal[11]	0	74	0	0	0	0	0	0

,

[10] Line vessels operating in the Atlantic.

[11] Polyvalent vessels, using multi-gear equipment (longline, handline, trolling line).

Annex VI, point 6, is replaced by the following:

‘6. Maximum bluefin tuna farming capacity and fattening capacity for each Member State and maximum input of wild caught bluefin tuna that each Member State may allocate to its farms in the Eastern Atlantic and Mediterranean.

Table A

Maximum bluefin tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Spain	10	11 852
Italy	13	8370
Greece	2	2 100
Cyprus	3	3 000
Croatia	4	7 880
Malta	6	15 703
Portugal	2	500

Table B

Maximum input of wild caught bluefin tuna (in tonnes)	
Spain	6 850
Italy	945
Greece	785
Cyprus	2 195

Croatia	2 947
Malta	11 054
Portugal	350

’ ”

2. AMENDMENTS IN RELATION TO SPRFMO

EXPLANATORY NOTE

The tenth annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) was held from 18 to 28 January 2022. At that meeting, SPRFMO adopted catch limits for jack mackerel (*Trachurus murphyi*) and maintained exploratory fisheries for toothfishes (*Dissostichus spp.*). The Commission proposes to implement those outcomes in Union law.

AMENDMENTS TO RECITALS

The following recital is inserted:

"(11d) At its tenth annual meeting in 2022, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted catch limits for jack mackerel (*Trachurus murphyi*) and maintained exploratory fisheries for toothfishes (*Dissostichus spp.*). Those measures should be implemented in Union law."

AMENDMENTS TO THE ARTICLES

In Article 1, the following point is inserted:

"(5d) Annex IH is amended in accordance with Annex IId to this Regulation."

AMENDMENTS TO THE ANNEXES

The following annex is inserted:

"**ANNEX IId**

Amendments to Annex IH to Regulation (EU) 2022/109

Annex IH is replaced by the following:

'**ANNEX IH**

SPRFMO CONVENTION AREA

Species:	Toothfishes *Dissostichus* spp.		Zone:	SPRFMO Convention Area (TOT/SPR-RB)
TAC		75 [1]	Precautionary TAC	
[1]	This annual TAC is for exploratory fisheries only. Fishing shall only take place within the following research block: – NW – NE – E-Indent – E-corner – SE – SW	 50° 30' S, 136° E 50° 30' S, 140° 30' E 52° 45' S, 140° 30' E 52° 45' S, 145° 30' E 54° 50' S, 145° 30' E 54° 50' S, 136° E		

Species:	Jack mackerel *Trachurus murphyi*	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	13 826,71	Analytical TAC	
Netherlands	14 986,73	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	9 620,98	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	16 542,58		
Union	54 977,00		
TAC	Not relevant		

' "

3. AMENDMENTS IN RELATION TO IOTC

EXPLANATORY NOTE

Revised catch limits for yellowfin tuna (*Thunnus albacares*) adopted at the 2021 annual meeting of the Indian Ocean Tuna Commission (IOTC) were confirmed by the IOTC Secretariat only on 17 December 2021 after the end of the official period of objection. The revised catch limits are no longer limited to purse seiners, and now include all gears involved in the yellowfin tuna fishery. The Commission has been undertaking consultations with the involved Member States to facilitate an agreement on the allocation key for yellowfin tuna that includes all gears. However, during these consultations, no clear agreement could be found on a final allocation key despite the Commission presenting several different scenarios for consideration and further exchanges among the involved Member States seem necessary. Against this background, and in consideration of the need to provide fishing opportunities to the EU fleet operating in the area of the IOTC, the Commission proposes to implement those revised catch limits in Union law by attributing an initial portion of the EU quota equivalent to 70% until a definitive agreement on an allocation key is reached. While this attribution is done by using the existing allocation key, it is without prejudice to the final allocation to be adopted in a subsequent revision of Regulation (EU) 2022/109 once an agreement among the Member States is reached. In particular, this attribution includes for the first time an attribution of 70 tonnes to Portugal, which previously did not hold a quota for yellowfin tuna, in order to cover by-catch of yellowfin tuna by the Portuguese longline fleet.

An update in the number of supply vessels authorised to serve purse seine vessels was adopted by the IOTC along with the revised catch limits for yellowfin tuna. The previous limit of two supply vessels for five purse seine vessels was amended and is now three supply vessels for ten purse seine vessels. The Commission therefore proposes to implement that revised supply vessels limit in Union law.

AMENDMENTS TO THE RECITALS

The following recital is inserted:

"(11e) At its 2021 annual meeting, the Indian Ocean Tuna Commission (IOTC) revised the previously adopted conservation and management measures Regulation (EU) 2022/109 already implemented those measures in Union law, except for the revised catch limits for yellowfin tuna (*Thunnus albacares*). The IOTC Secretariat confirmed the revised catch

limits for yellowfin tuna on 17 December 2021 after the end of the period of objection. The revised catch limits are no longer limited to purse seiners, and now include all gears involved in the yellowfin tuna fishery. Those revised catch limits should be implemented in Union law. Since an agreement among the involved Member States has not yet been found on the most appropriate way to share the revised catch limits, only an initial portion of the Union quota should be attributed and the remaining portion should be attributed via a subsequent amendment of Regulation (EU) 2022/109 once an agreement among the Member States has been reached."

AMENDMENTS TO THE ARTICLES

In Article 1, the following points are inserted:

"(3a) Article 31, paragraph 4, is replaced by the following:

'(4) The maximum number of supply vessels shall be three supply vessels in support of not less than ten purse seiners, all flying the flag of a Member State. This provision shall not apply to Member States using only one supply vessel.' "

"(5e) Annex IJ is amended in accordance with Annex IIe to this Regulation."

AMENDMENTS TO THE ANNEXES

The following annex is inserted:

"**ANNEX IIe**

Amendments to Annex IJ to Regulation (EU) 2022/109

Annex IJ is replaced by the following:

‘**ANNEX IJ**

IOTC AREA OF COMPETENCE

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

Species:	Yellowfin tuna *Thunnus albacares*		Zone:	IOTC Area of Competence (YFT/IOTC)
France	19 423	(1)	Analytical TAC	
Italy	1 657	(1)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	30 073	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	70	(1)(2)		
Union	51 223	(1)		
TAC	Not relevant			

(1) Quotas shall apply provisionally from 1 January 2022 to 30 September 2022. The provisional quotas shall be without prejudice to the setting of definitive quotas for 2022 in accordance with the Union quota for 2022 of 73 146 tonnes established by IOTC and the definitive allocation of that Union quota among Member States.

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

’ ”

5. CORRECTIONS

EXPLANATORY NOTE

For white hake (*Urophycis tenuis*) in NAFO 3NO, while the Union quota established in Regulation (EU) 2022/109 is 588 tonnes, the sum of individual quotas allocated to Spain and Portugal amounts to 589 tonnes. Following established practice, the difference is subtracted from the quota of the Member State with the highest quota, in this case Portugal.

AMENDMENTS TO THE ARTICLES

In Article 1, the following paragraph is inserted:

"(5b) Annex IC is amended in accordance with Annex IIb to this Regulation."

AMENDMENTS TO THE ANNEXES

The following annex is inserted:

"**ANNEX IIc**

Amendments to Annex IC to Regulation (EU) 2022/109

In Annex IC, the last table establishing catch limits for White hake (*Urophycis tenuis*) in NAFO 3NO is replaced by the following:

‘

Species:	White hake *Urophycis tenuis*	Zone:	NAFO 3NO (HKW/N3NO.)
Spain	255	Analytical TAC	
Portugal	333	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	588 (1)	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	1 000		

(1) Where, in accordance with Annex IA of the NAFO Conservation and Enforcement Measures, a positive vote by the NAFO Contracting Parties confirms the TAC to be 2 000 tonnes, the corresponding Union and Member State quotas shall be as below:

Spain	509
Portugal	667
Union	1 176

’ ”