



Council of the  
European Union

Brussels, 9 December 2021  
(OR. en)

14819/21

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**Interinstitutional File:**  
**2021/0345(NLE)**

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**PECHE 482**

**NOTE**

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| From:    | General Secretariat of the Council  |
| To:      | Delegations   |
| Subject: | Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters <ul style="list-style-type: none"><li>• Commission non-paper</li></ul> |

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

# COMMISSION SERVICES NON PAPER

8 DECEMBER 2021

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

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

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

## **Updates to Commission Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (COM(2021) 661)**

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

### **EXPLANATORY NOTE**

The scientific advice for anchovy (*Engraulis encrasicolus*) in ICES subarea 8 (Bay of Biscay) for 2022 is expected to be released by ICES 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 until the advice for 2022 becomes available. The provisional 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. Once the advice for 2022 becomes available, the Commission will propose to adjust the TAC via an amendment to the Council Regulation fixing for 2022 the fishing opportunities.

### **AMENDMENTS TO THE RECITALS**

The following recital (9b) is inserted:

“(9b) The scientific advice for anchovy (*Engraulis encrasicolus*) in ICES subarea 8 (Bay of Biscay) for 2022 is expected to be released by ICES 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 until the advice for 2022 becomes available. 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.”

### **AMENDMENTS TO ANNEX IA**

In Annex IA, Part A of the Commission Proposal, the first fishing opportunities table is replaced by the following:

“

|   |   |                          |
|---|---|--------------------------|
| Species: Anchovy<br><i>Engraulis encrasicolus</i> |   | Zone: 8<br><br>(ANE/08.) |
| Spain   | 21 600 <sup>(1)</sup>                                   | Analytical TAC           |
| France  | 2 400 <sup>(1)</sup>                                    |                          |
| Union   | 24 000 <sup>(1)</sup>                                   |                          |
| TAC   | 24 000 <sup>(1)</sup>                                   |                          |
| <sup>(1)</sup>                                    | May only be fished from 1 January 2022 to 30 June 2022. |                          |

”

## 2. AMENDMENTS IN RELATION TO WCPFC

### EXPLANATORY NOTE

The outcome of the Western and Central Pacific Fisheries Commission (WCPFC) 2021 annual meeting is now available. The annual meeting was held from 29 November 2021 to 7 December 2021. The Commission therefore proposes to implement that outcome in Union law.

Moreover, the heading of Article 39 of the Commission Proposal (‘Management of fishing with FADs’) does not reflect the content of its paragraphs 4 and 5, which address the prohibition on discards of tropical tunas caught by purse seiners. Therefore, the Commission proposes to correct Article 39 by moving these paragraphs to a new separate article (Article 39a).

### AMENDMENTS TO THE RECITALS

Recital 35 is replaced by the following:

“(35)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.”

#### **AMENDMENTS TO THE ARTICLES**

Article 39 is replaced by the following:

##### *“Article 39*

##### *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, 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 39a is inserted:

##### *“Article 39a*

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

1. All purse-seine vessels fishing in the part of the WCPFC Convention Area referred to in Article 39(1) shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna that they have caught.
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.”

#### AMENDMENTS TO ANNEX IG

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

#### “ANNEX IG

#### WCPFC CONVENTION AREA

|   |              |       |                                      |
|---|--------------|-------|--------------------------------------|
| Species: Bigeye tuna  |              | Zone: | WCPFC Convention Area south of 20° S |
| <i>Thunnus obesus</i>   |              |       | (BET/F7120S)                         |
| Portugal  | 2 000        | (1)   | Precautionary TAC                    |
| Spain   | 2 000        | (1)   |                                      |
| Union   | 4 000        | (1)   |                                      |
| TAC   | Not relevant | (1)   |                                      |
| (1) This quota may only be fished by vessels using longlines. |              |       |                                      |

|  |   |
|--|---|
| Species: Swordfish<br><i>Xiphias gladius</i> | Zone: WCPFC Convention Area south of 20°S<br>(SWO/F7120S) |
| Union  | 3 170,36  |
| TAC  | Not relevant  |

”

#### AMENDMENTS TO ANNEX IX

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

#### “ANNEX IX

#### WCPFC CONVENTION AREA

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

|       |    |
|-------|----|
| Spain | 14 |
| Union | 14 |

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

|       |   |
|-------|---|
| Spain | 4 |
| Union | 4 |

”

### 3. AMENDMENT IN RELATION TO REDFISH IN INTERNATIONAL WATERS OF ICES SUBAREAS 1 AND 2

#### EXPLANATORY NOTE

As the Commission services non-paper of 1 December 2021 explained, “NEAFC held its annual meeting from 9 to 12 November 2021.” It also explained, “ICES (...) issued scientific advice for beaked redfish in ICES subareas 1 and 2 for catches of 67 210 tonnes in 2022. For redfish in international waters of ICES subareas 1 and 2, the Union submitted a proposal for a TAC of 16 802 tonnes, corresponding to 25% of the amount indicated in the ICES advice. However, NEAFC was unable to adopt a recommendation for that stock. In the absence of an agreement in NEAFC, the Commission proposes to set a TAC for this stock in line with the EU position in NEAFC.”

The EU position in NEAFC included the establishment of a fishing period from 1 July to 31 December 2022 for that stock. This position should be implemented in Union law. As this position is already implemented in Annex XII, Part C, Section 3 of the Technical Measures Regulation (Regulation (EU) 2019/1241), that provision should be deleted in the Commission’s Proposal.



**AMENDMENTS TO ANNEX IB**

In Annex IB, the twenty-fifth fishing opportunities table is amended as follows:

“

|          |  |  |   |
|----------|--|--|---|
| Species: | Redfish<br><i>Sebastes spp.</i>  | Zone:  | International waters of 1 and 2<br>(RED/1/2INT) |
| Union    | To be established (1) (2)  | Analytical TAC   |   |
|          |  | Article 3 of Regulation (EC) No 847/96 shall not apply |   |
| TAC      | 16 802 (3)   | Article 4 of Regulation (EC) No 847/96 shall not apply |   |
| (1)      | The fishery will be closed when the TAC is fully utilised by NEAFC Contracting Parties. From the closure date, Member States shall prohibit directed fishery for redfish by vessels flying their flag. |  |   |
| (2)      | Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.   |  |   |
| (3)      | Provisional catch limit to cover catches of all NEAFC contracting parties. It may be fished from 1 July to 31 December.  |  |   |

”

**4. AMENDMENTS IN RELATION TO FISHING AUTHORISATION FOR VENEZUELAN VESSELS FISHING IN UNION WATERS OFF FRENCH GUIANA**

**EXPLANATORY NOTE**

As recital (39) of the Commission Proposal explains, “[i]n 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, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.”

Based on the advice of both IFREMER and STECF and the assessment of the French authorities, the number of fishing authorisations granted to Venezuelan vessels fishing in Union waters off the coast of French Guiana should be set at the same level as for 2021.

Regulation (EU) 2021/1888 also inserted a footnote into the corresponding table in Regulation (EU) 2021/92. This footnote should also be added to the Commission Proposal. As recital (23) of Regulation (EU) 2021/1888 explains, “[t]he proposed amendment [i.e. the footnote] aims to ensure the continuity of fishing operations during the authorisation process in between two years under certain conditions.”

## **AMENDMENTS TO ANNEX V**

In Annex IB, Part B the table is replaced by the following:

“PART B

MAXIMUM NUMBER OF FISHING AUTHORISATIONS  
FOR THIRD-COUNTRY VESSELS FISHING IN UNION WATERS

| Flag State                  | Fishery                         | Number of fishing authorisations | Maximum number of vessels present at any time |
|-----------------------------|---------------------------------|----------------------------------|---|
| Norway                      | Herring, north of 62° 00' N     | pm                               | pm  |
| Venezuela <sup>(1)(2)</sup> | Snappers (French Guiana waters) | <del>pm</del> 45                 | <del>pm</del> 45                              |

(1) To issue those fishing authorisations, proof must be produced that a valid contract exists between the vessel owner applying for the fishing authorisation and a processing company situated in the Department of French Guiana, and that it includes an obligation to land at least 75 % of all snapper catches from the vessel concerned in that department so that they may be processed in that company’s premises. Such a contract must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing company and with the Guianese economy development objectives. A copy of the endorsed contract shall be appended to the fishing authorisation application. Where such an endorsement is refused, the French authorities shall notify this refusal, and state the reasons therefore, to the parties concerned and to the Commission.

(2) Fishing activities are authorised on an annual calendar basis. However, a fishing vessel can continue its fishing activities up to three months after expiry of its fishing authorisation, provided that the operator:

- initiated the renewal process of its fishing authorisation;
- fulfilled all its contractual and information communication obligations.

This extension expires upon entry into force of the Commission decision for a new fishing authorisation or notification of the refusal of the new fishing authorisation.’.

”