

COMMISSION SERVICES NON PAPER
17 March 2021

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Updates to the Commission proposal for a Council Regulation amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters

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1. AMENDMENTS TO COMMISSION PROPOSAL REGARDING NAFO IN ANNEX IC

EXPLANATORY NOTE:

In footnote 1, the amount of 4 224 tonnes is inserted (previously in “pm”).

CHANGES TO ANNEX IC:

- In Annex IC, the fishing opportunities table for redfishes in NAFO 3M is replaced by the following:

Species:	Redfishes <i>Sebastes</i> spp.	Zone:	NAFO 3M (RED/N3M.)
Estonia	1 571	(1)	Analytical TAC
Germany	513	(1)	Article 3 of Regulation (EC) No 847/96 shall not apply
Latvia	1 571	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply
Lithuania	1 571	(1)	
Spain	233	(1)	
Portugal	2 354	(1)	
Union	7 813	(1)	
TAC	8 448	(1)	

- (1) This quota is subject to compliance with the TAC, which is established for this stock for all NAFO Contracting Parties. Within this TAC, no more than the following mid-term limit may be fished before 1 July 2021: 4 224.

2. AMENDMENTS TO COMMISSION PROPOSAL REGARDING ICCAT

EXPLANATORY NOTE

The Trade and Cooperation Agreement between the EU and the UK (“the TCA”) provisionally entered into force on 1 January 2021.

The TCA sets out in Annex FISH.2C quota shares agreed between the EU and the UK, of what were previously EU shares in these various fisheries. This includes quota shares in four fisheries for ICCAT-regulated stocks: North Atlantic Albacore, Northeast Atlantic Bluefin tuna, North Atlantic Blue shark and North Atlantic Swordfish:

ICCAT Stock	Quota Shares (Percentage split of the former EU’s TAC allocation)	
	EU	UK
Albacore (North Atlantic)	98.48	1.52
Bluefin tuna (Northeast Atlantic)	99.75	0.25
Blue shark (North Atlantic)	99.90	0.10
Swordfish (North Atlantic)	99.99	0.01

This agreement has to be implemented in the EU legislation, through an amendment to the Fishing Opportunities Regulation.

When the UK was part of the European Union, their catches for Eastern and Mediterranean bluefin tuna were exclusively counted against the ‘others quota’, reflecting the by-catches nature of their fishery. It is therefore proposed to transfer the agreed share from this quota and then replenish this quota with contributions of the quota-holder Member States, after applying the relative stability to the quota transferred to UK.

Furthermore, in the Fishing Opportunities Regulation 2021/92, new codes were added in order to allow correct reporting and counting of the catches under quotas for other Member States. An additional reporting code is thus added to quota of “Other” of the fishing opportunities table for White marlin in the Atlantic Ocean: (WHM/ATLANT_AMS).

The amendment to Annex VI reflects the results of the Intersessional meeting of Panel 2 held on 2-5 March 2021. Effort limits for Union fishing vessels in the ICCAT Convention Area are reported through the EU plan based on information provided in the fishing, capacity and farming plans for bluefin tuna communicated by Member States to the Commission, and endorsed by ICCAT during the above Intersessional meeting of Panel 2.

CHANGES TO RECITALS

- The following recitals are added:

“According to Article FISH.13 and Annex FISH.2C of the Trade and Cooperation Agreement between the European Union and the United Kingdom, the Parties have agreed on their respective shares of the TACs for certain stocks in ICCAT. The relevant fishing opportunities tables should be amended to take account of those shares.

“Effort limits for Union fishing vessels in the ICCAT Convention Area are based on information provided in the fishing, capacity and farming plans for bluefin tuna communicated by Member States to the Commission. These effort limits are reported through the EU plan endorsed by ICCAT during the Intersessional meeting of Panel 2 held on 4 and 5 March 2019. They should be established as part of fishing opportunities.”

CHANGES TO ANNEX ID

- In Annex ID, the relevant fishing opportunities tables are replaced by the following:

Species:	Bluefin tuna <i>Thunnus thynnus</i>		Zone:	Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM)
Cyprus	168,93	(4)	Analytical TAC	
Greece	313,98	(7)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	6092,33	(2)(4)(7)	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	6011,54	(2)(3)(4)		
Croatia	950,15	(6)		
Italy	4744,6	(4)(5)		
Malta	389,26	(4)		
Portugal	572,88			
Other Member States	67,94	(1)		
Union	19311,6	(2)(3)(4)(5)		
Special additional allocation	100	(7)		
TAC	36000			

(1) Except Cyprus, Greece, Spain, France, Croatia, Italy, Malta and Portugal, and exclusively as by-catch. Catches to be counted against this shared quota shall be reported separately (BFT/AE45WM_AMS).

(2) Special condition: within this TAC, the following catch limits and allocation 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 1 of Annex VI (BFT/*8301):

Spain	925,33
France	429,87
Union	1355,20

(3) Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex VI (BFT/*641):

France	100,00
Union	100,00

(4) 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 2 of Annex VI (BFT/*8302):

Spain	122,15
France	120,53
Italy	95,13
Cyprus	3,39
Malta	7,80
Union	349,01

- (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 95,13

Union 95,13

- (6) 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 for farming purposes (BFT/*8303F):

Croatia 857,28

Union 857,28

- (7) In 2021 the European Union will receive, in addition to the allocated quota of 19 360 tonnes, an extra allocation of 100 tonnes, exclusively for artisanal vessels from specific archipelagos in Greece (Ionian Islands), Spain (Canary Islands) and Portugal (Azores and Madeira). The specific allocation of this additional quantity to the Member States concerned shall be as follows (BFT/AVARCH):

Greece 4,5

Spain 87,3

Portugal 8,2

Union 100

Species	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, North of 5° N (SWO/AN05N)
Spain	6535,04	(2)	Analytical TAC
Portugal	1010,29	(2)	Article 3 of Regulation (EC) No 847/96 shall not apply
Other Member States	139,70	(1)(2)	Article 4 of Regulation (EC) No 847/96 shall not apply
Union	7685,03	(3)	
TAC	13200		
(1)	Except Spain and Portugal, and exclusively as by-catch. Catches to be counted against this shared quota shall be reported separately (SWO/AN05N_AMS).		
(2)	Special condition: up to 2,39 % of this amount may be fished in the Atlantic Ocean, South of 5° N (SWO/*AS05N). Catches to be counted against the special condition of the shared quota shall be reported separately (SWO/*AS05N_AMS).		
(3)	After transfer of 40 tonnes to Saint-Pierre et Miquelon (ICCAT Rec. 17-02).		

Species:	Northern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	3115,11		Analytical TAC
Spain	17557,88		Article 3 of Regulation (EC) No 847/96 shall not apply
France	5522,24		Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	1925,70		
Union	28120,92	(1)	
TAC	37801		
(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 as follows: 1 253.		

Species:	Blue shark <i>Prionace glauca</i>	Zone:	Atlantic Ocean, north of 5° N (BSH/AN05N)
Ireland	0,96		Analytical TAC
Spain	27035,09		Article 3 of Regulation (EC) No 847/96 shall not apply
France	151,70		Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	5357,67	(1)	
Union	32545,42		
TAC	39102		

- (1) The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

Species:	<u>White marlin</u> <i>Tetrapturus albidus</i>	Zone:	<u>Atlantic Ocean</u> (WHM/ATLANT)
Spain	32,94	Analytical TAC	
Portugal	21,06	Article 3 of Regulation (EC) No 847/96 shall not apply	
Other	1,00 (1)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	55,00		
TAC	355,00		
(1) Catches to be counted against this shared quota shall be reported separately (WHM/ATLANT_AMS).			

CHANGES TO ANNEX VI

ICCAT CONVENTION AREA¹

- In Annex VI, points 4 and 6 are 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 ²							
	Cyprus ³	Greece ⁴	Croatia	Italy	France	Spain	Malta ⁵	Portugal
Purse seine vessels ⁶	1	0	18	21	22	6	2	0

¹ The numbers shown in points 1, 2 and 3 may decrease in order to comply with international obligations of the Union.

² The numbers in this Table A of point 4 may be further increased, provided that the international obligations of the Union are complied with.

³ 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.

⁴ 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.

⁵ One medium-size purse seiner may be replaced by no more than 10 longline vessels.

	Number of fishing vessels ²							
	Cyprus ³	Greece ⁴	Croatia	Italy	France	Spain	Malta ⁵	Portugal
Longliners	27 ⁷	0	0	40	23	44	63	0
Baitboat	0	0	0	0	8	68	0	76 ⁸
Handline	0	0	12	0	47 ⁹	1	0	0
Trawler	0	0	0	0	57	0	0	0
Small-scale	0	39	0	0	140	650	117	0
Other artisanal ¹⁰	0	74	0	0	0	0	0	0

“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 B¹¹

Maximum input of wild caught bluefin tuna (in tonnes) ¹²	
Spain	6850
Italy	3214
Greece	785
Cyprus	2195
Croatia	2947
Malta	8786
Portugal	350 ¹³

⁶ The individual number of purse seiner in table A in section 4 are the result of transfers between Member states and do not constitute historical rights for the future.

⁷ Polyvalent vessels, using multi-gear equipment.

⁸ Baitboats of the outermost regions of Azores and Madeira.

⁹ Line vessels operating in the Atlantic.

¹⁰ Polyvalent vessels, using multi-gear equipment (longline, handline, trolling line).

¹¹ Some maximum inputs in table B in section 6 result of transfers between Member states and do not constitute historical rights for the future.

¹² The figures in table B in section 6 must be adapted in light of the revised farming plans submitted by Member states by 31 May 2021.

¹³ The total farming capacity of Portugal of 500 tonnes (corresponding to 350 tonnes of input farming capacity) is covered by the unused capacity of the Union set out in table A.

3. AMENDMENTS TO COMMISSION PROPOSAL REGARDING SPRFMO

EXPLANATORY NOTE

The changes to the recital and to the article below are necessary to include decisions taken at SPRFMO annual meeting regarding new catch limits for jack mackerel (*Trachurus murphyi*) and approved exploratory fisheries for toothfishes (*Dissostichus* spp.).

CHANGES TO RECITALS

- The following recital is inserted:

“At its ninth annual meeting in 2021, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted new catch limits for jack mackerel (*Trachurus murphyi*) and approved exploratory fisheries for toothfishes (*Dissostichus* spp.). The applicable measures should be implemented in the law of the Union.”

CHANGES TO THE BODY OF THE ARTICLES

- Article 37 is replaced by the following:

*“Article 37
Exploratory fisheries*

1. Member States may participate in longline exploratory fisheries for toothfishes (*Dissostichus* spp.) in the SPRFMO Convention Area in 2021 only if the SPRFMO has approved their application for such fisheries that includes a fisheries operation plan and commitment to implement a data collection plan.
2. Fishing shall take place only in the research block specified by SPRFMO. Fishing shall be prohibited in depths less than 600 metres and more than 2 500 metres.
3. The TAC shall be as set out in Annex IH. Fishing shall be limited to three trips of a maximum duration of 60 consecutive days, which may occur any time between 1 May and 31 October, one each in the years 2021, 2022 and 2023, and to a maximum number of 5 000 hooks per set, with a maximum of 120 sets per year. Lines shall be set at least 3nm apart from each other, and not set at previous long-line locations within one calendar year. Fishing shall cease either when the TAC is reached or if 120 sets have been set and hauled during the 60 consecutive days, whichever is earlier.”

CHANGES TO ANNEX IH

- Annex IH is replaced by the following:

ANNEX IH

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	12 013,90	Analytical TAC	
Netherlands	13 021,83	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	8 359,58	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	14 373,69		
Union	47 769,00		
TAC	Not relevant		

Species:	Toothfishes <i>Dissostichus spp.</i>	Zone:	SPRFMO Convention Area (TOT/SPR-AE)
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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 50° 30' S, 136° E
- NE 50° 30' S, 140° 30' E
- E-Indent 52° 45' S, 140° 30' E
- E-corner 52° 45' S, 145° 30' E
- SE 54° 50' S, 145° 30' E
- SW 54° 50' S, 136° E

4. AMENDMENTS TO COMMISSION PROPOSAL REGARDING GREENLAND WATERS IN ANNEX IB

- The following recital is inserted:

“The European Union on the one hand, and the Government of Greenland and the Government of Denmark, on the other hand, are expected to conclude a Sustainable Fisheries Partnership Agreement, as the previous agreement expired on 31 December 2020. The Council should therefore fix fishing opportunities resulting from that Agreement and taking into account exchanges of fishing opportunities with third countries. Those fishing opportunities should be effective from the moment when the Agreement enters into force.”

- The following Article is inserted:

*“Article 7a
Application of fishing opportunities in Greenland waters*

Where a reference is made to this Article in a fishing opportunities table in Annex IB, the fishing opportunities in that table shall apply from the entry into force of the Sustainable Fisheries Partnership Agreement between the European Union on the one hand, and the Government of Greenland and the Government of Denmark, on the other hand, to 31 December 2021.”

- Annex IB is amended as follows:

The relevant fishing opportunities tables in annex IB are replaced by the following:

Species:	Cod <i>Gadus morhua</i>	Zone: Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (COD/N1GL14)
Germany	1 950 (1)	Analytical TAC
Union	1 950 (1)	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
TAC (1)	Not relevant	Article 7a of this Regulation shall apply
Except for by-catches, the following conditions shall apply to these quotas:		
1. They may not be fished between 1 April and 31 May.		
2. EU vessels may choose to fish in either or both of the following areas:		
	Reporting code	Geographical limits
	COD/GRL1	The part of the Greenlandic fishing zone that lies within NAFO sub-area 1F West of 44°00'W and South of 60°45'N, that portion of NAFO subarea 1 lying south of the parallel of 60°45' north latitude (Cape Desolation) and the part of the Greenlandic fishing zone within ICES division 14b that lies East of 44°00'W and South of 62°30'N.
	COD/GRL2	The part of the Greenlandic fishing area that lies within ICES division 14b North of 62°30'N.
Species:	Grenadiers <i>Macrourus spp.</i>	Zone: Greenland waters of 5 and 14 (GRV/514GRN)
Union	75 (1)	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	Not relevant (2)	Article 4 of Regulation (EC) No 847/96 shall not apply

Article 7a of this Regulation shall apply

- (1) Special condition: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/514GRN) and roughhead grenadier (*Macrourus berglax*) (RHG/514GRN) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.
- (2) The amount below, in tonnes, is allocated to Norway. Special condition for this amount: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/514GRN) and roughhead grenadier (*Macrourus berglax*) (RHG/514GRN) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.

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Species:	Grenadiers <i>Macrourus spp.</i>	Zone:	Greenland waters of NAFO 1 (GRV/N1GRN.)
Union	60 (1)	Analytical TAC	
TAC	Not relevant (2)	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

Article 7a of this Regulation shall apply

- (1) Special condition: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/N1GRN.) and roughhead grenadier (*Macrourus berglax*) (RHG/N1GRN.) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.
- (2) The amount below, in tonnes, is allocated to Norway. Special condition for this amount: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/N1GRN.) and roughhead grenadier (*Macrourus berglax*) (RHG/N1GRN.) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.

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Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	2 571	Analytical TAC	
Germany	112	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	184	Article 4 of Regulation (EC) No 847/96 shall not apply	
All Member States	133 (1)	Article 7a of this Regulation shall apply	
Union	3 000 (2)		
Norway	10 000 (2)		

TAC Not relevant

- (1) Denmark, Germany, Sweden and the United Kingdom 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 20 June 2021 to 15 April 2022.

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Greenland waters of 5 and 14 (PRA/514GRN)
Denmark	1 325	Analytical TAC	
France	1 325	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	2 650	Article 4 of Regulation (EC) No 847/96 shall not apply	
Norway	1 000	Article 7a of this Regulation shall apply	
Faroe Islands	pm		

TAC Not relevant

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Greenland waters of NAFO 1 (PRA/N1GRN.)
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Denmark	1 300	Analytical TAC
France	1 300	Article 3 of Regulation (EC) No 847/96 shall not apply
Union	2 600	Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	Not relevant	Article 7a of this Regulation shall apply

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	Greenland waters of NAFO 1 (GHL/N1G-S68)
Germany	1 700 (1)	Analytical TAC	
Union	1 700 (1)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Norway	550 (1)	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant	Article 7a of this Regulation shall apply	
(1)	To be fished south of 68°N.		

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	Greenland waters of 5, 12 and 14 (GHL/5-14GL)
Germany	4 190	Analytical TAC	
Union	4 190 (1)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Norway	650	Article 4 of Regulation (EC) No 847/96 shall not apply	
Faroe Islands	pm	Article 7a of this Regulation shall apply	
TAC	Not relevant		
(1)	To be fished by no more than 6 vessels at the same time.		

Species:	Redfish (pelagic) <i>Sebastes spp.</i>	Zone:	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (RED/N1G14P)
Germany	0 (1) (2) (3)	Analytical TAC	
France	0 (1) (2) (3)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	0 (1) (2) (3)	Article 4 of Regulation (EC) No 847/96 shall not apply	
Norway	0 (1) (2)	Article 7a of this Regulation shall apply	
Faroe Islands	0 (1) (2) (4)		

TAC Not relevant

(1) May only be fished from 10 May to 31 December.

(2) May only be fished in Greenland waters within the Redfish Conservation Area bounded by the lines joining the following coordinates:

Point	Latitude	Longitude
1	64°45'N	28°30'W
2	62°50'N	25°45'W
3	61°55'N	26°45'W
4	61°00'N	26°30'W
5	59°00'N	30°00'W

6	59°00'N	34°00'W
7	61°30'N	34°00'W
8	62°50'N	36°00'W
9	64°45'N	28°30'W

(3) Special condition: this quota may also be fished in international waters of the Redfish Conservation Area mentioned above (RED/*5-14P).

(4) May only be fished in Greenland Waters of 5 and 14 (RED/*514GN).

Species:	Redfish (demersal) <i>Sebastes spp.</i>	Zone:	Greenland waters of NAFO 1F and Greenland waters of 5 and 14 (RED/N1G14D)
Germany	1 831 (1)	Analytical TAC	
France	9 (1)	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	1 840 (1)	Article 4 of Regulation (EC) No 847/96 shall not apply Article 7a of this Regulation shall apply	
TAC	Not relevant		

(1) May only be fished by trawl, and only North and West of the line defined by the following coordinates:

Point	Latitude	Longitude
1	59°15'N	54°26'W
2	59°15'N	44°00'W
3	59°30'N	42°45'W
4	60°00'N	42°00'W
5	62°00'N	40°30'W
6	62°00'N	40°00'W
7	62°40'N	40°15'W
8	63°09'N	39°40'W
9	63°30'N	37°15'W
10	64°20'N	35°00'W
11	65°15'N	32°30'W
12	65°15'N	29°50'W

Species:	By-catches(1)	Zone:	Greenland waters (B-C/GRL)
Union	600	Precautionary TAC Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant	Article 4 of Regulation (EC) No 847/96 shall not apply Article 7a of this Regulation shall apply	
(1)	By-catches of grenadiers (<i>Macrourus spp.</i>) shall be reported in line with the following fishing opportunities tables: grenadiers in Greenland waters of 5 and 14 (GRV/514GRN) and grenadiers in Greenland waters of NAFO 1 (GRV/N1GRN.)		