

# COMMISSION SERVICES NON PAPER

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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 amending Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters, 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(2023) 114]**

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## 1. AMENDMENTS IN RELATION TO ICCAT

### EXPLANATORY NOTE

Fishing effort limits for EU vessels fishing for bluefin tuna (*Thunnus thynnus*) in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area and maximum input and capacity for EU farms of bluefin tuna in that area are based on information provided in the annual fishing plans, the annual fishing capacity management plans and the annual farming management plans for bluefin tuna of Member States. Member States are to transmit those plans to the Commission by 31 January each year, pursuant to Article 6(1) of Regulation (EU) 2016/1627 of the European Parliament and of the Council<sup>1</sup>. The fishing effort limits and maximum farming input and capacity are then reported by the Commission to the ICCAT Secretariat, through the EU fishing and capacity management plan, for discussion and approval by ICCAT pursuant to Article 6(2) of Regulation (EU) 2016/1627. The Commission transmitted the EU fishing and capacity management plan for 2023 to the ICCAT Secretariat on 15 February 2023. ICCAT approved that EU plan on 8 March 2023 during the intersessional meeting of Panel 2. It is therefore proposed to set the EU fishing effort limits and the EU maximum farming input and capacity in line with that EU plan.

Under several ICCAT recommendations, the EU may, upon request, carry over a percentage of its unused quota of ICCAT stocks from the penultimate or the preceding year to a given year, according to rules for each stock as laid down by ICCAT. Those recommendations should be implemented in EU law as soon as possible. Upon adoption of respectively the Commission proposal of 28 November 2019<sup>2</sup>, which would include Article 2 of the Commission proposal of 21 April 2022<sup>3</sup>, and of the Commission proposal of 21 April 2022, Member States could use the EU quotas for respectively bluefin tuna (*Thunnus thynnus*) in the Atlantic Ocean, east of 45° W, and the Mediterranean and other ICCAT stocks in their totality as provided by ICCAT in 2024. Pending the implementation of those recommendations in EU law, Council Regulation (EU) 2023/194 sets quotas for individual Member States for ICCAT stocks on the basis of a total EU quota for 2023 as agreed by ICCAT before any adjustments due to overfishing or underfishing by Member States.

The EU quotas for ICCAT stocks for 2023 were adjusted during the ICCAT annual meeting in November 2022 in accordance with several ICCAT recommendations under which the EU is allowed, upon request, to carry over a set percentage of its unused quota from 2021 to 2023. It is proposed that the quotas for individual Member States for those stocks for 2023 take into account the carry-overs of unused EU quotas allowed by ICCAT before the start of the fishing seasons for

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<sup>1</sup> 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).

<sup>2</sup> Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (COM/2019/619 final).

<sup>3</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/2107 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and Regulation (EU) .../2022 establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean (COM/2022/171 final).

these stocks. It is therefore also proposed to amend the quotas for Northern albacore (*Thunnus alalunga*) (ALB/AN05N), for Southern albacore (ALB/AS05N), for Bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean (BET/ATLANT), as well as for swordfish (*Xiphias gladius*) in the Atlantic Ocean, north of 5° N (SWO/AN05N), and for swordfish in the Atlantic Ocean, south of 5° N (SWO/AS05N), to reflect such adjustments, taking into account the principle of relative stability.

#### AMENDMENTS TO THE RECITALS

The following recitals are inserted:

- “(6b) Under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of stocks in the ICCAT Convention area from the penultimate or the preceding year to a given year, according to rules for each stock as laid down by ICCAT. Those recommendations should be implemented in Union law on the basis of a Commission proposal as soon as possible, so that the Member States can use the Union quotas for ICCAT stocks in their totality as provided by ICCAT for 2024. Pending the implementation of those recommendations in Union law, Council Regulation (EU) 2023/194<sup>4</sup> sets quotas for individual Member States for certain stocks on the basis of a total Union quota for 2023 as agreed by ICCAT before any adjustments due to overfishing or underfishing by Member States.
- (6c) The Union quotas for stocks in the ICCAT Convention area for 2023 were adjusted during the ICCAT annual meeting in November 2022 in accordance with several ICCAT recommendations under which the Union is allowed, upon request, to carry over a set percentage of its unused quota of fishing opportunities from 2021 to 2023. The quotas for individual Member States for those stocks for 2023 should take into account the carry-overs of unused Union quotas allowed by ICCAT before the start of the fishing seasons for these stocks. Therefore, the quotas for Northern albacore (*Thunnus alalunga*) (ALB/AN05N), for Southern albacore (ALB/AS05N), for Bigeye tuna (*Thunnus obesus*) in the Atlantic Ocean (BET/ATLANT), as well as for swordfish (*Xiphias gladius*) in the Atlantic Ocean, north of 5° N (SWO/AN05N), and for swordfish in the Atlantic Ocean, south of 5° N (SWO/AS05N), should be amended to reflect such adjustments, taking into account the principle of relative stability. Furthermore, certain measures functionally linked to the fishing opportunities should be maintained in order to respect the Union’s international commitments.”

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<sup>4</sup> Council Regulation (EU) 2023/194 of 30 January 2023 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 (OJ L 28, 31.1.2023, p. 1).

Recital (7) is replaced by the following:

“(7) Fishing effort limits for Union vessels fishing for bluefin tuna (*Thunnus thynnus*) in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention area and maximum input and capacity for Union farms of bluefin tuna in that area are based on information provided in the annual fishing plans, the annual fishing capacity management plans and the annual farming management plans for bluefin tuna of Member States. Member States are to transmit those plans to the Commission by 31 January each year, pursuant to Article 6(1) of Regulation (EU) 2016/1627 of the European Parliament and of the Council<sup>5</sup>. The fishing effort limits and maximum farming input and 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 pursuant to Article 6(2) of Regulation (EU) 2016/1627. The Union fishing effort limits and Union maximum farming input and capacity for 2023 should be set in line with the Union plan approved by ICCAT on 8 March 2023.”

#### AMENDMENTS TO THE ARTICLES

Paragraph 2 of Article 1 is replaced by the following:

“(2) Annexes IA, IB, ID, IH, IJ and VI are amended in accordance with the Annex to this Regulation.”

#### AMENDMENTS TO THE ANNEX

In the Annex, the following point is inserted:

“(3a) In Annex ID, the relevant tables are replaced by the following:

Species:	Northern Albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	3 398,46	Analytical TAC	
Spain	19 154,93		

<sup>5</sup> 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).

France	6 024,53
Portugal	2 100,86
Union	30 678,78 <sup>(1) (2)</sup>
TAC	37 801

<sup>(1)</sup> 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 1 241.

<sup>(2)</sup> Special condition: Within the limit of this quota, no more than the following quantity may be taken in United Kingdom waters (ALB/\*AN05N-UK): 280,00.

Species:	Southern Albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, south of 5° N (ALB/AS05N)
Spain	1051,29	Analytical TAC	
France	345,49		
Portugal	735,71		
Union	2 132,50		
TAC	28 000		

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	Atlantic Ocean (BET/ATLANT)
Spain	8 181,90 <sup>(1)</sup>	Analytical TAC	
France	3 475,31 <sup>(1)</sup>		
Portugal	3 106,23 <sup>(1)</sup>		
Union	14 763,44 <sup>(1)</sup>		
TAC	62 000 <sup>(1)</sup>		

<sup>(1)</sup> Catches of bigeye tuna by purse seiners (BET/\*ATLPS) and longliners with an overall length of 20 metres and above (BET/\*ATLLL) shall be reported separately. As of June, when catches reach 80 % of the quota, Member States are required to transmit the catches for these vessels on a weekly basis.

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, north of 5° N (SWO/AN05N)
Spain	6 359,36 <sup>(2)</sup>	Analytical TAC	
Portugal	1 155,83 <sup>(2)</sup>		
Other Member States	129,84 <sup>(1)(2)</sup>		
Union	7 645,03		
TAC	13 200		
<sup>(1)</sup>	Exclusively for by-catches. Catches to be counted against this shared quota shall be reported separately (SWO/AN05N_AMS).		
<sup>(2)</sup>	Special condition: up to 2,39 % of this quantity 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).		
Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, south of 5° N (SWO/AS05N)
Spain	5 002,72 <sup>(1)</sup>	Analytical TAC	
Portugal	329,53 <sup>(1)</sup>		
Union	5 332,26		
TAC	10 000		
<sup>(1)</sup>	Special condition: up to 3,51 % of this quantity may be fished in the Atlantic Ocean, north of 5° N (SWO/*AN05N).		

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Point 5 of the Annex is replaced by the following:

“(5) In Annex VI:

(a) 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 <sup>6</sup>							
	Greece <sup>7</sup>	Spain	France	Croatia	Italy	Cyprus <sup>8</sup>	Malta <sup>9</sup>	Portugal
Purse seiners <sup>10</sup>	0	6	22	18	21	1	2	0
Longliners	0	41	23	0	40	20	63	0
Baitboat	0	66	8	0	0	0	0	0

<sup>6</sup> The numbers in this table may be further increased, provided that the international obligations of the Union are complied with.

<sup>7</sup> One medium-size purse seiner has been replaced by no more than 10 longline vessels or one small purse seiner and three other artisanal vessels.

<sup>8</sup> 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.

<sup>9</sup> One medium-size purse seiner may be replaced by no more than 10 longline vessels.

<sup>10</sup> 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.

	Number of fishing vessels <sup>6</sup>							
	Greece <sup>7</sup>	Spain	France	Croatia	Italy	Cyprus <sup>8</sup>	Malta <sup>9</sup>	Portugal
Handline	0	1	47	12	0	0	0	0
Trawler	0	0	57	0	0	0	0	0
Small-scale	38	850	140	0	0	0	0	76
Other artisanal <sup>11</sup>	65	0	0	0	60	0	236	0

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<sup>11</sup> Polyvalent vessels, using multi-gear equipment (longline, handline, trolling line).



(b) 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 tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Greece	2	2 100
Spain	10	11 852
Croatia	4	7 880
Italy	13	10 220
Cyprus	3	1 034
Malta	7	14 679
Portugal	2	500

Table B

Maximum input of wild caught bluefin tuna (in tonnes)	
Greece	785,0
Spain	7 738,9
Croatia	2 947,0
Italy	2 064,0
Cyprus	756,6
Malta	10 486,0
Portugal	350,0