

COMMISSION SERVICES NON-PAPER

9 DECEMBER 2023

*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 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 as regards deep-sea stocks [COM(2023) 587]

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

EXPLANATORY NOTE

On 8 December 2023, the International Council for the Exploration of the Sea (ICES) published its scientific advice for anchovy (*Engraulis encrasicolus*) in ICES subarea 8 (Bay of Biscay)¹. It is proposed to set the total allowable catch (TAC) for anchovy in ICES subarea 8 for 2024 at the level of 33 000 tonnes, the amount indicated in that advice.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part A, Table 1 is replaced by the following:

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Species:	Anchovy <i>Engraulis encrasicolus</i>	Zone:	8 (ANE/08.)
Spain	29 700	Analytical TAC	
France	3 300		
Union	33 000		
TAC	33 000		

”

¹ <https://doi.org/10.17895/ices.advice.21907872.v1>

2. AMENDMENTS IN RELATION TO FISHING OPPORTUNITIES FOR VENEZUELAN VESSELS FISHING IN EU WATERS OF FRENCH GUIANA

EXPLANATORY NOTE

In accordance with the Union's Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of Venezuela in the exclusive economic zone off the coast of French Guiana², it is necessary to fix the fishing opportunities available to Venezuelan vessels in those EU waters.

The best available scientific advice of the French National Institute for Ocean Science (IFREMER) from 2023³ indicated the need for additional conservation measures for snappers in waters of French Guiana, which could include a reduction of fishing effort, while not quantifying the required effort reduction. It is therefore proposed to rollover the fishing opportunities available to Venezuelan vessels in EU waters of French Guiana, i.e. the maximum number of fishing authorisations for Venezuelan vessels fishing for snappers in those waters.

AMENDMENTS TO THE ANNEXES

Annex V, Part B, is replaced by the following:

² Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

³ Evaluation 2023 du stock de vivaneau rouge en Guyane française, Juillet2023, Rapport préparé par Morgana Tagliarolo, Ifremer, ref. RBE/BIODIVHAL/MT 23-060.

“

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
Venezuela ⁽¹⁾⁽²⁾	Snappers (French Guiana waters)	45	45
<p>⁽¹⁾ To issue those fishing authorisations, proof must be produced that a valid contract exists between the fishing vessel owner applying for the fishing authorisation and a processing undertaking situated in the Department of French Guiana, and that it includes an obligation to land at least 75% of all snapper catches from the fishing vessel concerned in that department so that they may be processed in that undertaking'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 undertaking and with the objectives for the development of the Guianese economy. 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.</p> <p>⁽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:</p> <ul style="list-style-type: none"> - initiated the renewal process of its fishing authorisation, - fulfilled all its contractual and information communication obligations. <p>This extension expires upon the entry into force of the Commission decision for a new fishing authorisation or notification of the refusal of the new fishing authorisation.</p>			

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3. AMENDMENTS IN RELATION TO WCPFC

EXPLANATORY NOTE

The 2023 annual meeting of the Western and Central Pacific Fisheries Commission (WCPFC) was held from 4 to 8 December 2023. Pending availability of the outcome of that annual meeting, it is proposed to provisionally maintain current measures in the WCPFC Convention area that are functionally linked to the TACs and the maximum numbers of fishing vessels, until those measures for 2024 become available.

In addition, in Article 39(1) and Annex IX, Table 1, “south of 20° S” should be replaced by “the high seas areas between 20° N and 20°S” to correct an error.

AMENDMENTS TO THE RECITALS

Recital (48) is replaced by the following:

“(48) The 2023 annual meeting of the Western and Central Pacific Fisheries Commission (WCPFC) was held from 4 to 8 December 2023. Pending availability of the outcome of that meeting, current measures in the WCPFC Convention area that are functionally linked to the TACs and the maximum numbers of fishing vessels should be provisionally maintained until those measures for 2024 become available.”

AMENDMENTS TO THE ARTICLE

Article 39 is replaced by the following:

“

Article 39
Conditions for bigeye tuna, yellowfin tuna, skipjack tuna
and South Pacific albacore fisheries

1. Member States shall ensure that no more than 403 fishing days are allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention area located in the high seas between 20° N and 20° S.
2. Union fishing vessels shall not target South Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention area south of 20°S.
3. The number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20°S of the WCPFC Convention area shall not exceed the limits set out in Annex IX, Table 1.

4. The maximum number of Union purse seine vessels authorised to fish for tropical tuna in the high seas areas between 20° N and 20°S of the WCPFC Convention area shall not exceed the limits set out in Annex IX, Table 2.

”

AMENDMENTS TO THE ANNEXES

Annex IG is replaced by the following:

“

ANNEX IG

WCPFC CONVENTION AREA

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

Table 2			
Species:	Swordfish <i>Xiphias gladius</i>	Zone:	WCPFC Convention area south of 20°S (SWO/F7120S)
Union	To be established	Precautionary TAC	
TAC	Not relevant		

”

Annex IX is replaced by the following:

“

ANNEX IX

WCPFC CONVENTION AREA

1. Maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20°S of the WCPFC Convention area

Spain	To be established
Union	To be established

2. Maximum number of Union purse seiners authorised to fish for tropical tuna in the part of the WCPFC Convention area located in the high seas between 20° N and 20° S

Spain	To be established
Union	To be established

”

4. AMENDMENTS IN RELATION TO FISHING OPPORTUNITIES IN FAROESE WATERS

EXPLANATORY NOTE

Since the Commission has not successfully concluded consultations on exchanges of fishing opportunities and access arrangements with the Faroe Islands, it is proposed to replace the figures marked as 'pm' (pro memoria) with 'to be established' in the TAC tables for fishing opportunities for stocks in Faroese waters.

AMENDMENTS TO THE ANNEXES

In Annex IB, Tables 5, 11, 12, 17, 26, 28 and 29, the figures marked as 'pm' for the Union and Member States quotas should be replaced by 'to be established'.

5. AMENDMENTS IN RELATION TO EU-UK SHARED STOCKS

EXPLANATORY NOTE

The Commission proposal, as updated by the Commission services' non-papers of 7 December 2023, should be updated to correct errors in the Member States' quotas for several stocks shared with the United Kingdom (UK):

- in the TAC tables for respectively Greater silver smelt (*Argentina silus*) in UK and international waters of ICES subareas 1 and 2 and for ling (*Molva molva*) in UK and international waters of subarea 5, the quotas for respectively Germany and Belgium should be decreased by 1 tonne to ensure that the sum of Member States' quotas is in line with the EU quotas set out in the Written Record documenting the outcome of the consultations with the UK on the setting of TACs for 2024;
- in the TAC tables: (i) for Black scabbardfish (*Aphanopus carbo*) in ICES subareas 6 and 7, UK and international waters of subarea 5 and international waters of subarea 12; (ii) Black scabbardfish in EU and international waters of subareas 8, 9 and 10; (iii) Roundnose grenadier (*Coryphaenoides rupestris*) in subareas 6 and 7 and UK and international waters of ICES division 5b; and (iv) Roundnose grenadier in EU and international waters of subareas 8, 9, 10, 12 and 14, the Member States' quotas should be amended to reflect the EU quotas for 2024 and not for 2023; and
- in several TAC tables of Annex IB (Tables 68, 92 and 94), “prohibitions set out in Articles 18 and 55 of this Regulation and in the relevant provisions of the United Kingdom law” should be replaced by “prohibitions set out in Union and United Kingdom law”.

AMENDMENTS TO THE ANNEXES

In Annex IA, Part B, Tables 2 and 68 are replaced by the following:

“

Table 2			
Species:	Greater silver smelt <i>Argentina silus</i>	Zone:	United Kingdom and international waters of 1 and 2 (ARU/1/2.)
Germany	14	Precautionary TAC	
France	5		
Netherlands	12		
Union	31		
United Kingdom	24		
TAC	55		

Table 68			
Species:	Ling <i>Molva molva</i>	Zone:	United Kingdom and international waters of 5 (LIN/05EI.)
Belgium	1	Precautionary TAC	
Denmark	1		
Germany	1		
France	1		
Union	4		
United Kingdom	1		
TAC	5		
⁽¹⁾ Exclusively for by-catches. No directed fisheries for ling are permitted under this TAC.			

”

Annex IA, Part B is amended as follows:

- (1) In Table 92, footnote 4, “prohibitions set out in Articles 18 and 55 of this Regulation and in the relevant provisions of the United Kingdom law” is replaced by “prohibitions set out in Union and United Kingdom law”.
- (2) In Table 94, footnotes 2 and 4, “prohibitions set out in Articles 18 and 55 of this Regulation and in the relevant provisions of the United Kingdom law” is replaced by “prohibitions set out in Union and United Kingdom law”.

In Annex XI, Tables 1, 2, 4 and 5 are replaced by the following:

“

Table 1			
Species:	Black scabbardfish <i>Aphanopus carbo</i>	Zone:	6 and 7; United Kingdom and international waters of 5; international waters of 12 (BSF/56712-)
Year	2023	2024	Precautionary TAC
Germany	21	16	
Estonia	10	8	
Ireland	52	39	
Spain	103	78	
France	1 450	1 096	
Latvia	67	51	
Lithuania	1	0	

Poland	1	0
Others	5 ⁽¹⁾	4 ⁽¹⁾
Union	1 710	1 292
United Kingdom	103	78
TAC	1 813	1 370

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota. Catches to be counted against this shared quota shall be reported separately (BSF/56712_AMS).

Table 2

Species:	Black scabbardfish <i>Aphanopus carbo</i>		Zone:	Union and international waters of 8, 9 and 10 (BSF/8910-)
Year	2023	2024	Precautionary TAC	
Spain	7	7		
France	17	18		
Portugal	2 106	2 302		
Union	2 130	2 327		
TAC	2 130	2 327		

Table 4

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone:	6 and 7; United Kingdom and international waters of 5b (RNG/5B67-)
Year	2023	2024	Precautionary TAC	
Germany	4 ⁽¹⁾⁽²⁾	3 ⁽¹⁾⁽²⁾		
Estonia	34 ⁽¹⁾⁽²⁾	24 ⁽¹⁾⁽²⁾		
Ireland	150 ⁽¹⁾⁽²⁾	108 ⁽¹⁾⁽²⁾		
Spain	37 ⁽¹⁾⁽²⁾	27 ⁽¹⁾⁽²⁾		
France	1 910 ⁽¹⁾⁽²⁾	1 367 ⁽¹⁾⁽²⁾		
Lithuania	44 ⁽¹⁾⁽²⁾	31 ⁽¹⁾⁽²⁾		
Poland	22 ⁽¹⁾⁽²⁾	16 ⁽¹⁾⁽²⁾		
Others	4 ⁽¹⁾⁽²⁾⁽³⁾	3 ⁽¹⁾⁽²⁾⁽³⁾		
Union	2 205 ⁽¹⁾⁽²⁾	1 579 ⁽¹⁾⁽²⁾		
United Kingdom	112 ⁽¹⁾⁽²⁾	80 ⁽¹⁾⁽²⁾		
TAC	2 317 ⁽¹⁾⁽²⁾	1 659 ⁽¹⁾⁽²⁾		

⁽¹⁾ A maximum of 10% of each quota may be fished in Union and international waters of 8, 9, 10, 12 and 14 (RNG/*8X14- for roundnose grenadier; RHG/*8X14- for roughhead grenadier by-catches).

⁽²⁾ No directed fisheries of roughhead grenadier are permitted. By-catches of roughhead grenadier (RHG/5B67-) shall be counted against this quota. They may not exceed 1% of the quota.

⁽³⁾ Exclusively for by-catches. No directed fisheries are permitted. Catches to be counted against this shared quota

shall be reported separately (RNG/5B67_AMS for roundnose grenadier; RHG/5B67_AMS for roughhead grenadier).

Table 5

Species:	Roundnose grenadier <i>Coryphaenoides rupestris</i>		Zone:	Union and international waters of 8, 9, 10, 12 and 14 (RNG/8X14-)
Year	2023	2024	Precautionary TAC	
Germany	10 ⁽¹⁾⁽²⁾	13 ⁽¹⁾⁽²⁾		
Ireland	2 ⁽¹⁾⁽²⁾	3 ⁽¹⁾⁽²⁾		
Spain	1 111 ⁽¹⁾⁽²⁾	1 410 ⁽¹⁾⁽²⁾		
France	51 ⁽¹⁾⁽²⁾	65 ⁽¹⁾⁽²⁾		
Latvia	18 ⁽¹⁾⁽²⁾	23 ⁽¹⁾⁽²⁾		
Lithuania	2 ⁽¹⁾⁽²⁾	3 ⁽¹⁾⁽²⁾		
Poland	347 ⁽¹⁾⁽²⁾	442 ⁽¹⁾⁽²⁾		
Union	1 541 ⁽¹⁾⁽²⁾	1 959 ⁽¹⁾⁽²⁾		
United Kingdom	4 ⁽¹⁾⁽²⁾	6 ⁽¹⁾⁽²⁾		
TAC	1 545 ⁽¹⁾⁽²⁾	1 965 ⁽¹⁾⁽²⁾		

(1) A maximum of 10% of each quota may be fished in 6 and 7; United Kingdom and international waters of 5b (RNG/ *5B67- for roundnose grenadier; RHG/*5B67- for roughhead grenadier by-catches).

(2) No directed fisheries of roughhead grenadier are permitted. By-catches of roughhead grenadier (RHG/8X14-) shall be counted against this quota. They may not exceed 1% of the quota.

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6. AMENDMENTS IN RELATION TO ICCAT

EXPLANATORY NOTE

The Commission proposal, as updated by the Commission services' non-papers of 27 November 2023 and 4 December 2023⁴, should be updated to correct errors in the Member States' quotas for Mediterranean Albacore (*Thunnus alalunga*) for 2024, which are due to rounding errors in the calculation of those quotas.

AMENDMENTS TO THE ANNEXES

In Annex ID, Table 9 is replaced by the following:

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Table 9				
Species:	Mediterranean Albacore <i>Thunnus alalunga</i>		Zone:	Mediterranean Sea (ALB/MED)
Greece	399,12		Analytical TAC	
Spain	103,03		Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply	
France	14,97		Article 4 of Regulation (EC) No 847/96 shall not apply	
Croatia	6,98			
Italy	1 168,74			
Cyprus	430,99			
Malta	41,10			
Union	2 164,93	(4)		
TAC	2 500	(1)(2)(3)		

(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, Croatia, Italy and Cyprus: 1 October to 30 November and 1 to 31 March;

⁴ https://oceans-and-fisheries.ec.europa.eu/system/files/2023-11/2023-11-27-non-paper-updates-2024-fishing-opportunities-regulation-com-587-iccat-iotc_en.pdf
https://oceans-and-fisheries.ec.europa.eu/system/files/2023-12/2023-12-04-non-paper-updates-2024-fishing-opportunities-regulation-com-587_en.pdf

- 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 fishing vessels authorised to fish this species in 2017. Member States may apply a tolerance of 10% to this capacity limit.
 - (3) Special condition: by-catches of albacore are to be counted against this quota, but shall be reported separately (ALB/MED-BC). Dead catches of albacore from sport and recreational fisheries are to be counted against this quota, but shall be reported separately (ALB/MED-SR).
 - (4) After transfer of 75 tonnes from Türkiye.
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7. AMENDMENTS IN RELATION TO IOTC

EXPLANATORY NOTE

The Commission proposal, as updated by the Commission services' non-paper of 27 November 2023⁵, should be updated to correct errors in the EU and Member States' quotas for yellowfin tuna (*Thunnus albacares*) in the IOTC (Indian Ocean Tuna Commission) Area of Competence for 2024, which are due to a failure of the non-paper of 27 November 2023 to take into account the revised EU base annual catch limits and Member States' quotas for that stock as revised and implemented in EU law in 2023.

AMENDMENTS TO THE ANNEXES

In Annex IJ, Table 1 is replaced by the following:

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Table 1			
Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	IOTC Area of Competence (YFT/IOTC)
France	27 710	Analytical TAC	
Italy	2 365	Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply.	
Spain	42 903	Article 4 of Regulation (EC) No 847/96 shall not apply.	
Portugal	100 ⁽¹⁾		
Union	73 078		
TAC	Not relevant		
⁽¹⁾	Exclusively for by-catches. No directed fisheries are permitted under this quota.		

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⁵ https://oceans-and-fisheries.ec.europa.eu/system/files/2023-11/2023-11-27-non-paper-updates-2024-fishing-opportunities-regulation-com-587-iccat-iotc_en.pdf