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Subject:	Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters. - Danish comments

Delegations will find attached written comments by the Danish delegation on the above-mentioned document.

Preliminary comments from the Danish delegation on the Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, COM (2021) 491

The Danish delegation welcomes the Commission's proposal including the non-paper of 1 September 2021 for a Council Regulation fixing for 2022 the fishing opportunities in the Baltic Sea.

We believe it is too early in the negotiation process to provide detailed comments to the proposal. We need more time to discuss internally. We also need to see the remaining proposals for TACs including provisions for the recreational fishery for cod, so therefore our comments are very preliminary and will continuously be qualified.

In general, the Danish delegation supports the principle to manage fisheries on a sustainable basis in accordance with the objectives to achieving maximum sustainable yield (MSY) for all stocks. This approach is in line with the Basic Regulation (EP/Council Regulation (EU) No 1380/2013) as well as with the Multiannual Plan for the Baltic Sea (EP/Council Regulation (EU) No 2016/1139).

We acknowledge that the overall stock situation in the Baltic Sea also for 2022 looks very severe. It is indeed a very serious situation with regard to a number of stocks in both the Western and Eastern Baltic Sea. In this context it is important to note that other factors than fishery are having a great impact on the aquatic environment including the stock situation, notably with regard to the Eastern Baltic cod stock. It is important to bear this in mind and to address these factors in an adequate manner in the future.

We have noted that the Commission for cod in the Eastern Baltic Sea has proposed a roll over in the amount 595 tons for bycatch. Denmark believes it will be sufficient to cover bycatches in other fisheries.

Denmark notes with concern that the stock situation for the Western Baltic herring has not improved over the last year despite precautionary management in terms of TAC setting. The proposed TAC of 788 tons is meant to cover bycatches only. We need to analyze this proposal more in depth. However, when establishing the TAC we should bear in mind that the stock is shared with the Skagerrak/Kattegat and the TAC for this area will be adopted at the December Council meeting.

With respect to both herring in the Central Baltic Sea and sprat, we acknowledge that two pelagic species occur in the same fishery. According to ICES, the TAC for central herring could be established at a higher level and still comply with the provisions laid down in the Multiannual Plan. Also for sprat, the ICES advice opens for a higher TAC than the one proposed. Denmark would therefore encourage the Commission to reconsider the TAC level for both stocks.

The ICES advice allows for an increase of the TAC for plaice of 53 %, which the Commission has deviated from in its proposal. Taking into account that the two plaice stock are in good shape as well as BALTFISH currently is doing its utmost to finalize a Joint Recommendation on the use of more selective gears in the demersal fisheries, Denmark against this background finds it is biological justified to establish a higher TAC than a roll over as proposed.

Pending the remaining TAC proposals Denmark will reserve its comments on closure areas and periods as well as on measure for the recreational fishery for cod in the Western Baltic Sea. However, we will already now mention that it should be clarified in the text that fishing for bivalve mollusks is excluded from the closure. A draft text will follow.

Norway pout and associated by-catches, in areas 3a; United Kingdom and European Union waters of subarea 4; United Kingdom waters of 2a (NOP/2A3A4.)

We welcome that the fishing opportunities for Norway pout and associated bycatches covering the fishing year 1 November 2021-30 October 2022 are included in ‘pm’, pending the release of the ICES advice, foreseen on 8 October 2021.

The fishing opportunities for Norway pout and associated bycatches are since 1 January 2021 a shared stock with the UK. EU and UK consultations on the fishing opportunities for Norway pout and associated bycatches for 2021/2022 should therefore take place and be concluded ahead of the start of the fishery on 1 November 2021. However, given that the ICES advice is only released on 8 October, and the fishing opportunities should be adopted at the October council (taking place on 11-12 October) to enter into force at the latest by 1 November 2021, very limited room is left for undertaking such consultations ahead of the October council. Therefore, we find that preliminary fishing opportunities should be set at the October council. Such preliminary fishing opportunities should be based on the principles of the TCA, including the respective shares for each party set out therein. Such preliminary fishing opportunities should furthermore take into account the high degree of seasonality of this fishery, which primarily takes place in November/December. The final fishing opportunities for Norway pout and associated bycatches, as agreed with the UK, can then be adopted following the EU and UK consultations.

Footnote 2 (‘(2) Quota may be fished in United Kingdom and European Union waters of ICES zones 2a, 3a and 4 only.’) is correct in the English version, but in the Danish version the reference to ‘United Kingdom waters’ is missing (‘Kvoten må kun fiskes i EU-farvande i ICES-område 2a, 3a og 4’), and should be included.

Footnote 4 could be deleted, as the requirement for a sorting grid is now included in the technical measures regulation, 2019/1241, which also covers third countries fishing in EU waters. Such a deletion would also sustain a clear level playing field between Norway, Faroe Islands and the UK, in terms of gear requirements.

Capelin in Greenlandic waters

With respect to capelin in Greenlandic waters, the capelin Coastal States meet at end of September to agree on the TAC for the fishing season 2021-2022 starting 15 October. We expect that Greenland will be able to offer EU an amount of capelin immediately after. To ensure that the EU fleet will be able use this amount it will be important to include this element in the regulation as a further amendment of Regulation 2021/92 now together with Norway Pout.

Final comments

Please note that the Danish delegation at this stage maintains its parliamentary as well as its general scrutiny reservations and thus reserves its right to submit additional comments at a later stage.