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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 595 final - ANNEX
Subject:	ANNEXES to the Proposal for a Council Decision concerning the position to be taken on behalf of the European Union in the consultations with the United Kingdom to agree on annual total allowable catches

Delegations will find attached document COM(2021) 595 final - ANNEX.

Encl.: COM(2021) 595 final - ANNEX



EUROPEAN
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Brussels, 23.9.2021
COM(2021) 595 final

ANNEXES 1 to 2

ANNEXES

to the

Proposal for a Council Decision

**concerning the position to be taken on behalf of the European Union in the consultations
with the United Kingdom to agree on annual total allowable catches**

ANNEX I

The position to be taken on behalf of the Union in the annual consultations with the United Kingdom to agree on total allowable catches

1. PRINCIPLES

In the framework of the annual consultations with the United Kingdom, the Union shall:

- (a) Seek to ensure that the fishing opportunities agreed are consistent with international law, and in particular with the provisions of the 1982 United Nations ('UN') Convention on the Law of the Sea and of the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
- (b) Seek to ensure that the Union's international commitments are respected.
- (c) Seek consistency and synergy with the policies that the Union is pursuing as part of its bilateral fisheries relations with other third countries and within regional fisheries management organisations, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation.
- (d) Seek to ensure that TACs are jointly determined in line with the objective of the Common Fisheries Policy ('CFP') that fisheries are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, including the core conservation objective of the CFP, MSY and the applicable multiannual plans.
- (e) Seek to align with the Council conclusions of 19 March 2012 on a Communication from the Commission on the External dimension of the Common Fisheries Policy.
- (f) Seek to ensure non-discriminatory rules for the Union fleet based on the same principles and standards as those applicable under Union law.
- (g) Seek to establish timelines for the annual consultations on fishing opportunities.
- (h) Seek to ensure coherence with the Union's environmental legislation, in particular with Directive 2008/56/EC, as well as with other Union policies.

2. ORIENTATIONS

The Union is to make every effort to agree with the United Kingdom on fishing opportunities (TACs and their functionally linked measures), based on the approach outlined below.

In doing so, the Commission shall work closely with the Council during the annual consultations, in order to:

- (a) Seek to establish TACs based on the best available scientific advice, in order to achieve the MSY exploitation rate.
- (b) Seek to establish TACs under the precautionary approach to fisheries where such scientific advice on MSY exploitation rates is not available.

- (c) Seek to prevent overexploitation of the relevant stocks by setting TACs at a level similar to earlier years where no scientific advice is available.
- (d) Seek to obtain a combination of different scientific advice for the setting of the TACs, including where such advice combines MSY and precautionary advice, for TACs with a mismatch between the advice area and the management areas, or where TACs combine more than one species.
- (e) Seek to establish TACs with MSY assessment and F_{MSY} advice in accordance with the MSY objective of the CFP and the applicable multiannual plans. Where the multiannual plans allow for the use of the F_{MSY} ranges as provided by ICES, the Union should seek to make use of those provisions, if the conditions set out in those multiannual plans are fulfilled.
- (f) Seek to set TACs based on the precautionary approach corresponding to the headline advice in the ICES scientific advice sheet with precautionary advice for: (i) by-catch stocks (under multiannual plans); (ii) target stocks (under multiannual plans) where ICES provides precautionary advice only; and (iii) for TACs with multi-annual precautionary advice, where stability should be pursued.
- (g) Seek to take into account the difficulty of fishing all stocks in a mixed fishery at the MSY level at the same time, and in particular where it is difficult to avoid the phenomenon of choke species, including TACs with a 0-catch advice for either target or by-catch TACs. The Union should seek, where relevant under the multiannual plans, to accompany the TAC level with remedial measures.
- (h) Seek to set TACs for scientific or monitoring purposes in line with the scientific advice.
- (i) Seek consistency with the Union's applicable legislation in relation to specific species and stocks.
- (j) Seek convergence on the species for which fishing shall be prohibited, as based on scientific advice, including the general prohibition for the fisheries on deep-sea sharks.
- (k) Seek agreed approaches on the method and application of the adjustments to the agreed TACs following the application of exemptions to the landing obligation (*de minimis* and survivability exemptions to the obligation to land all catches). The Union should seek the highest possible level of agreed approaches for such exemptions consistent with Article 15 of Regulation (EU) No 1380/2013.
- (l) Seek agreement on the approach for the conservation of the northern seabass, based on ICES scientific advice.
- (m) Seek to agree on other functionally linked measures to TACs, in particular regarding special conditions and inter-area flexibilities, in line with Regulation (EU) No 1380/2013, in particular Articles 15(8) and 15(9) thereof.
- (n) Seek to identify, based on the best available scientific advice, and in accordance with Article 499(4) of the Agreement, the stocks to be considered as 'special stocks' for the purpose of setting provisional TACs in case the

annual consultations cannot be concluded timely in accordance with Article 498(2) of the Agreement.

ANNEX II

Year-to-year specification of the Union's position to be taken during the annual consultations with the United Kingdom to agree on total allowable catches

Before the start of and throughout the annual consultations with the United Kingdom, the Commission shall take the necessary steps so that the position to be expressed on behalf of the Union takes account of the latest scientific advice and other relevant information available, in accordance with the principles and orientations set out in Annex I. The position shall be reflected in the written record documenting the arrangements made between the Union and the United Kingdom resulting from the consultations under Article 498 of that Agreement.

To this effect, and based on that advice and information, the Commission shall transmit to the Council, sufficiently in advance of the annual consultations, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf. In particular, the Commission shall transmit to the Council, in sufficient time before signature of the written record referred to above, the Union's position for endorsement of the detailed results of the annual consultations.

This process shall include *in situ* coordination meetings, presentations, debriefings and discussions, and the full involvement of national delegations in the annual consultations, including as part of the Union delegation, and, when needed, in technical meetings.

If in the course of the consultations, it is impossible for the Union to reach an agreement with the United Kingdom, and in order for the Union's position to take account of new elements, the Commission shall refer the matter to the Council, in line with the procedure set out in the second paragraph above.

If, after the conclusion of the annual consultations, it is appropriate to amend the TACs in the year or years for which they were concluded, the Commission shall, in sufficient time and on the basis of the latest scientific and other relevant information and in accordance with the principles and orientations set out in Annex I, submit to the Council a new written document setting out the particulars of the proposed specification of the Union's position regarding such amendment, for discussion and endorsement of the details of the position to be expressed on the Union's behalf.