



Council of the  
European Union

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**Interinstitutional File:  
2022/0268 (NLE)**

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PECHE 318

#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL REGULATION amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters

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**COUNCIL REGULATION (EU) 2022/...**

**of ...**

**amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities  
for certain fish stocks and groups of fish stocks applicable in Union waters  
and for Union fishing vessels in certain non-Union waters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular  
Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2022/109<sup>1</sup> fixes for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters.
- (2) Regulation (EU) 2022/109, as amended by Council Regulation (EU) 2022/1091<sup>2</sup>, sets a provisional total allowable catch (TAC) for anchovy (*Engraulis encrasicolus*) in International Council for the Exploration of the Sea (ICES) subareas 9 and 10 and in Union waters of the Fishery Committee for the Eastern Central Atlantic (CECAF) 34.1.1 for the period from 1 July 2022 to 30 September 2022, pending the publication of the scientific advice provided by ICES for the period from 1 July 2022 to 30 June 2023. Following the publication of that advice on 17 June 2022, which allows fishery to continue, the definitive TAC for the period from 1 July 2022 to 30 June 2023 should be set. The TAC should be set at the level of 15 777 tonnes indicated in that advice.

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<sup>1</sup> Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 21, 31.1.2022, p. 1).

<sup>2</sup> Council Regulation (EU) 2022/1091 of 30 June 2022 amending Regulation (EU) 2022/109 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters (OJ L 176, 1.7.2022, p. 5).

- (3) Regulation (EU) 2022/109 establishes a special condition regarding the quotas for horse mackerel (*Trachurus* spp.) in ICES subarea 9. Regulation (EU) 2022/109 does not establish the percentage subject to that special condition, pending the availability of updated scientific advice from ICES regarding inter-area flexibilities between ICES subarea 9 and division 8c. On 18 August 2022, ICES published a Technical Service on inter-area flexibilities between ICES subarea 9 and division 8c. It is appropriate that the Union establish the percentage subject to that special condition in line with that ICES Technical Service.
- (4) Regulation (EU) 2022/109 should therefore be amended accordingly.
- (5) The catch limit for anchovy in ICES subareas 9 and 10 and Union waters of CECAF 34.1.1. should apply from 1 July 2022. The special condition regarding the quotas for horse mackerel (*Trachurus* spp.) in ICES subarea 9 should apply from 1 January 2022. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the fishing opportunities for anchovy are increased and an inter-area flexibility is introduced for the fishing opportunities for horse mackerel. Given the urgency of avoiding interruptions of fishing activities, this Regulation should enter into force on the date of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*  
*Amendment of Regulation (EU) 2022/109*

Regulation (EU) 2022/109 is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

The provisions concerning horse mackerel in ICES subarea 9 shall apply from 1 January 2022.  
The provisions concerning anchovy in ICES subareas 9 and 10 and in Union waters of CECAF 34.1.1 shall apply from 1 July 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

*For the Council*  
*The President*

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## ANNEX

Part A of Annex IA to Regulation (EU) 2022/109 is amended as follows:

(1) the second table is replaced by the following:

‘Species: Anchovy <i>Engraulis encrasicolus</i>			Zone: 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411)
Spain	7 546	( <sup>1</sup> )	Precautionary TAC
Portugal	8 231	( <sup>1</sup> )	
Union	15 777	( <sup>1</sup> )	
TAC	15 777	( <sup>1</sup> )	

(<sup>1</sup>) This quota may only be fished from 1 July 2022 to 30 June 2023.’;

(2) the twenty-fourth table is replaced by the following:

‘Species: Horse mackerel <i>Trachurus spp.</i>			Zone: 9 (JAX/09.)
Spain	35 516	( <sup>1</sup> )	Analytical TAC
Portugal	101 761	( <sup>1</sup> )	Article 8(2) of this Regulation applies
Union	137 277		
TAC	143 505		

(<sup>1</sup>) Special condition: up to 3 % of this quota may be fished in 8c (JAX/\*08C.).’.