



Council of the
European Union

Brussels, 1 December 2021
(OR. en)

14403/21

**Interinstitutional File:
2021/0345(NLE)**

PECHE 456

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a Council Regulation 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

- Commission non-paper

Delegations will find attached a Commission non-paper on the above-mentioned proposal.

COMMISSION SERVICES NON PAPER

1 DECEMBER 2021

This document serves as a basis for discussion at the Working Party on Internal and External 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 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 (COM(2021) 661)

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1. AMENDMENTS IN RELATION TO NEAFC STOCKS AND UNILATERAL QUOTAS IN THE NORTH EAST ATLANTIC

EXPLANATORY NOTE

When proposing fishing opportunities for stocks in the NEAFC regulatory area, the Commission takes into account the ICES scientific advice, the adopted NEAFC recommendations, or where no recommendations are adopted, the European Union's positions in NEAFC.

The NEAFC annual meeting was prepared in the Council working party on 4 November 2021. NEAFC held its annual meeting from 9 to 12 November 2021.

ICES issued a zero catch scientific advice for shallow pelagic and deep pelagic redfish in ICES subareas 5, 12, and 14 and in NAFO subareas 1 and 2. For these two redfish stocks in the Irminger Sea and adjacent waters, at its annual meeting, NEAFC adopted a conservation measure, prohibiting directed fisheries of those stocks. In addition, it prohibited fishing activities in the area where redfish aggregates, to minimise its by-catches. The Commission therefore proposes to implement these measures in Union law.

ICES also issued scientific advice for beaked redfish in ICES subareas 1 and 2 for catches of 67 210 tonnes in 2022. For redfish in international waters of ICES subareas 1 and 2, the Union submitted a proposal for a TAC of 16 802 tonnes, corresponding to 25% of the amount indicated in the ICES advice. However, NEAFC was unable to adopt a recommendation for that stock. In the absence of an agreement in NEAFC, the Commission proposes to set a TAC for this stock in line with the EU position in NEAFC.

As regards Greenland halibut in international waters of ICES subareas 1 and 2, the Commission proposes to set a TAC of 1 766 tonnes, taking into account the ICES scientific advice for 2022.

AMENDMENTS TO THE RECITALS

Recital (23) is replaced by the following:

“(23) At its annual meeting in 2021, the North-East Atlantic Fisheries Commission (NEAFC) adopted a conservation measure for the two redfish stocks in the Irminger Sea and adjacent waters, prohibiting directed fisheries of those stocks. In addition, in order to minimise by-catches, the NEAFC prohibited fishing activities in the area where redfish aggregates. These

measures, based on the ICES advice for zero catches, should be implemented in Union law. The NEAFC was unable to adopt a recommendation for redfish in ICES subareas 1 and 2. For that stock, the relevant TAC should be established in line with the Union position expressed in NEAFC.”Recital (23a) added:

“(23a) For Greenland halibut in international waters of ICES subareas 1 and 2, taking into account the ICES scientific advice for 2022, a TAC of 1 766 tonnes should be fixed.”

AMENDMENTS TO THE ARTICLES

In Chapter III, the following Section is inserted:

“SECTION 2 NEAFC CONVENTION AREA

Article 18 *Closures for redfish in the Irminger*

All fishing activities shall be prohibited in the area bounded by following co- ordinates measured according to the WGS84 system:

Latitude	Longitude
63°00'	- 30°00'
61°30'	- 27°35'
60°45'	- 28°45'
62°00'	- 31°35'
63°00'	- 30°00'

”

AMENDMENTS TO ANNEX IB

In Annex IB, the relevant fishing opportunities tables are replaced by the following:

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Species:	Capelin <i>Mallotus villosus</i>	Zone:	2b (CAP/02B.)
Union	0	Analytical TAC	
TAC	0		
Species:	Saithe <i>Pollachius virens</i>	Zone:	International waters of 1 and 2 (POK/1/2INT)
Union	0	Analytical TAC	
TAC	Not relevant		
Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	International waters of 1 and 2 (GHL/1/2INT)
Union	1 766 ⁽¹⁾	Precautionary TAC	
TAC	Not relevant		
⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.			
Species:	Redfish (shallow pelagic) <i>Sebastes spp.</i>	Zone:	Union and international waters of 5; international waters of 12 and 14 (RED/51214S)
Estonia	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	0	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	0		
Ireland	0		
Latvia	0		
The Netherlands	0		
Poland	0		
Portugal	0		
Union	0		
TAC	0		

Species:	Redfish (deep pelagic) <i>Sebastes spp.</i>	Zone:	Union and international waters of 5; international waters of 12 and 14 (RED/51214D)
Estonia	0	⁽¹⁾⁽²⁾	Analytical TAC
Germany	0	⁽¹⁾⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply
Spain	0	⁽¹⁾⁽²⁾	Article 4 of Regulation (EC) No 847/96 shall not apply
France	0	⁽¹⁾⁽²⁾	
Ireland	0	⁽¹⁾⁽²⁾	
Latvia	0	⁽¹⁾⁽²⁾	
The Netherlands	0	⁽¹⁾⁽²⁾	
Poland	0	⁽¹⁾⁽²⁾	
Portugal	0	⁽¹⁾⁽²⁾	
Union	0	⁽¹⁾⁽²⁾	
TAC	0	⁽¹⁾⁽²⁾	

⁽¹⁾ May only be taken within the area bounded by the lines joining the following coordinates:

Point	Latitude	Longitude
1	64°45'N	28°30'W
2	62°50'N	25°45'W
3	61°55'N	26°45'W
4	61°00'N	26°30'W
5	59°00'N	30°00'W
6	59°00'N	34°00'W
7	61°30'N	34°00'W
8	62°50'N	36°00'W
9	64°45'N	28°30'W

⁽²⁾ May only be taken from 10 May to 31 December.

Species:	Redfish <i>Sebastes spp.</i>	Zone:	International waters of 1 and 2 (RED/1/2INT)
Union	To be established	⁽¹⁾⁽²⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	16 802	⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply

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| (1) | The fishery will be closed when the TAC is fully utilised by NEAFC Contracting Parties. From the closure date, Member States shall prohibit directed fishery for redfish by vessels flying their flag. |
| (2) | Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board. |
| (3) | Provisional catch limit to cover catches of all NEAFC contracting parties. It may be fished from 1 July to 31 December. |
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2. CORRECTIONS

EXPLANATORY NOTE

The corrections include a drafting correction (Article 47a). The corrections also include corrections of errors in Annex IC (NAFO Convention Area). Some errors stem from rounding errors (cod in NAFO 3M, and redfishes in NAFO 3M), while other errors stem from input errors (shortfin squid in NAFO subareas 3 and 4, and skates in NAFO 3LNO). For cod in NAFO 3M, the sum of Member States' quotas calculated on the basis of relative stability is 1 907 tonnes, one tonne below the Union quota of 1 908 tonnes. Following established practice, the difference is added to the quota of the Member State with the highest quota, in this case Portugal.

AMENDMENTS TO ARTICLE 47A

Article 47a is replaced by the following:

“Article 47a

Quota transfers and exchanges with the United Kingdom

- ~~(2)~~ (1) Any quota transfer or exchange between the Union and the United Kingdom shall take place in accordance with paragraphs 2 to 4.
- ~~(3)~~ (2) A Member State intending to transfer or exchange quotas with the United Kingdom may discuss with the United Kingdom an outline of the quota transfer or exchange. The concerned Member State shall notify the Commission of the outline.

- (4) (3) Where the Commission endorses an outline of the quota transfer or exchange referred to in paragraph 2 notified by the Member State concerned, the Commission shall express, without undue delay, the consent to be bound by such quota transfer or exchange. The Commission shall notify the United Kingdom and the Member States of the agreed quota transfer or exchange.
- (5) (4) The quota received from or transferred to the United Kingdom under the agreed quota transfer or exchange shall be deemed to be quotas allocated to, or deducted from, the allocation of the Member State concerned, as of the moment that the quota transfer or exchange has been notified in accordance with paragraph 3. Such exchanges shall not affect the distribution key for allocating fishing opportunities among Member States in line with the principle of relative stability of fishing activities.”

AMENDMENTS TO ANNEX IC

In Annex IC, the third, eighth, fourteenth and sixteenth fishing opportunities tables are replaced by the following:

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Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3M (COD/N3M.)
Estonia	44 ⁽¹⁾	Analytical TAC	
Germany	186 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	44 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	44 ⁽¹⁾		
Poland	152 ⁽¹⁾		
Spain	572 ⁽¹⁾		
France	80 ⁽¹⁾		
Portugal	785 786 ⁽¹⁾		
Union	1 908 ⁽¹⁾		
TAC	4 000 ⁽¹⁾		

⁽¹⁾ No directed fisheries are permitted under this quota between 00:00 UTC 1 January 2022 and 24:00 UTC 31 March 2022. During this period, the master of the vessel shall comply with the requirements set out in Article 8(1)(b) of Regulation (EU) 2019/833* and shall ensure that the catches retained on board and in any one haul of this stock are limited to the maxima specified in Article 7(3)(a) of Regulation (EU) 2019/833.

* Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141, 28.5.2019, p. 1).

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Species:	Shortfin squid <i>Illex illecebrosus</i>	Zone:	NAFO subareas 3 and 4 (SQI/N34.)
Estonia	128	(1)	Analytical TAC
Latvia	128	(1)	Article 3 of Regulation (EC) No 847/96 shall not apply
Lithuania	128	(1)	Article 4 of Regulation (EC) No 847/96 shall not apply
Poland	227	(1)	
Other Member States	29 647 29 467	(1)(2)	
Union	611 30 078	(1)(3)	
TAC	34 000		

- (1) No vessel may fish for squid between 00:01 UTC on 1 January to 24:00 UTC on 30 June.
- (2) This quantity is available to Canada and the Member States except Estonia, Latvia, Lithuania and Poland. Catches to be counted against this shared quota shall be reported separately (SQI/N34_AMS).
- (3) Corresponds to the sum of the quotas of Estonia, Latvia, Lithuania and Poland and the Union's unspecified share available to Canada and the Member States except Estonia, Latvia, Lithuania and Poland.

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Species:	Skates <i>Rajidae</i>	Zone:	NAFO 3LNO (SKA/N3LNO.)
Estonia	283		Analytical TAC
Lithuania	62		Article 3 of Regulation (EC) No 847/96 shall not apply
Spain	4 359 3 403		Article 4 of Regulation (EC) No 847/96 shall not apply
Portugal	1 822 660		
Union	4 408		
TAC	7 000		

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Species: Redfishes <i>Sebastes spp.</i>	Zone: NAFO 3M (RED/N3M.)
Estonia	1 571 ⁽¹⁾ Analytical TAC
Germany	513 ⁽¹⁾ Article 3 of Regulation (EC) No 847/96 shall not apply
Latvia	1 571 ⁽¹⁾ Article 4 of Regulation (EC) No 847/96 shall not apply
Lithuania	1 571 ⁽¹⁾
Spain	233 ⁽¹⁾
Portugal	2 353 2 354 ⁽¹⁾
Union	7 813 ⁽¹⁾
TAC	10 933 ⁽¹⁾

⁽¹⁾ This quota is subject to compliance with the TAC, which is established for this stock for all NAFO Contracting Parties. Within this TAC, no more than the following mid-term limit may be fished before 1 July 2022:

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