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PECHE 16

'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Council Regulation fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks - Adoption

1. On 28 October 2022, the Commission submitted to the Council the above-mentioned proposal, based on Article 43(3) TFEU¹. The proposal is aimed at setting fishing opportunities for 2023 in the Atlantic and North Sea, as well as fishing opportunities for 2023 and 2024 for deep-sea stocks, and covers:
- autonomous Union stocks;
 - shared stocks that are jointly managed bilaterally or trilaterally with the United Kingdom and/or Norway, or that have been subject to North-East Atlantic Fisheries Commission coastal states consultations;
 - fishing opportunities under agreements concluded in the framework of regional fisheries management organisations (RFMOs); as well as
 - certain fishing opportunities in waters of non-EU countries.

¹ ST 14248/22 + ADD 1 + ADD 2

2. The Commission updated its proposal through several non-papers², including one with a proposal for provisional TACs in case the consultations with the UK and Norway on the stocks in shared management would not be concluded before the December AGRIFISH Council.
3. The Working Party on Fisheries Policy examined the Commission proposal and non-papers at its meetings on 3 November, 17 November, 24 November, 1 December and 8 December 2022 as well as during an Attachés' meeting on 6 December 2022.
4. The Permanent Representatives Committee discussed the proposal on 7 December 2022 in preparation of the Agriculture and Fisheries Council on 11 and 12 December 2022. The Commission proposal was consolidated in doc. 14915/22 + ADD 1-2³.
5. Given that the EU-UK and the EU-Norway consultations on fishing opportunities were not finalised before the Agriculture and Fisheries Council on 11-12 December 2022, to avoid a legal gap, the Agriculture and Fisheries Council included in its political agreement on the main TACs and Quotas Regulation⁴, reached on 13 December 2022, the provisional TACs and quotas for, inter alia, the stocks in shared management with the UK that would apply from January to March 2023. At this occasion, the Council mandated Coreper to replace these provisional TACs with the final tables corresponding to the TACs agreed between the EU and the UK, once that agreement was duly confirmed and the written record signed.
6. The EU-UK consultations on fishing opportunities for 2023 and, for certain deep-sea stocks, for 2023 and 2024 were successfully concluded on 19 December 2022. The Council approved the specification of the Union position in the bilateral EU-UK consultations on fishing opportunities for 2023 and, for certain deep-sea stocks, for 2023 and 2024 by means of a written procedure on 20 December and the written record was signed on the same day.

² ST 14649/22, ST 14931/22, ST 15303/22, ST 15304/22, ST 15466/22, ST 15608/22, ST 15609/22, 15662/22

³ Doc. 14915/22 + ADD 1-2

⁴ ST 15967/22 + ADD 1-2

7. The Commission services transmitted to the Council a non-paper⁵ containing the necessary updates to the main TACs and Quotas Regulation for 2023, which were included in a consolidated version as set out in docs. 16267/1/22 REV 1 + ADD 1 REV 1 and ADD 2.
8. At its meeting on 11 January, the Committee of the Permanent Representatives confirmed the revised political agreement set out in docs. 16267/1/22 REV 1 + ADD 1 REV 1 and ADD 2, while agreeing that an update would still be required on one point. At its meeting on 25 January, the Committee of the Permanent Representatives agreed that update as set out in doc. 5280/23 and recommended that the Council adopt the regulation after finalisation of the text by the lawyer linguists on this basis.
9. Statements made by Delegations and by the Commission, have been issued in doc. 5374/23 ADD 1 and should be entered into the minutes of the Council meeting.
10. In light of the above, it is suggested that the Council adopts, at one of its forthcoming sessions, the Council Regulation fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks as finalised by the legal-linguistic experts and set out in docs. 16233/22 + ADD 1-2.

⁵ ST 15805/22