



Council of the  
European Union

Brussels, 26 April 2022  
(OR. en)

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**Interinstitutional File:**  
**2022/0108 (NLE)**

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**PECHE 116**  
**N 20**

## **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> fixed 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 established for the first quarter of 2022 a provisional Union quota of 4 500 tonnes for Union vessels fishing for cod (*Gadus morhua*) in Spitzbergen (Svalbard) waters and international waters of International Council for the Exploration of the Sea (ICES) subarea 1 and division 2b. Council Regulation (EU) 2022/515<sup>2</sup> extended the period of application of that Union quota to 30 April 2022.
- (3) As formal discussions with Norway on a political understanding in relation to the fisheries in ICES subareas 1 and 2 have been concluded, it is appropriate that the Council set the Union quota for cod in Svalbard waters and in the international waters of ICES subarea 1 and division 2b for 2022 accordingly, in order to replace the provisional Union quota that expires at the end of April 2022.

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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) 2022/515 of 31 March 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 104, 1.4.2022, p. 1).

- (4) Any quotas should be allocated to the Member States in accordance with Council Decision 87/277/EEC<sup>1</sup> and Poland's share of the Union quota, and subject to the adaptations necessary due to the withdrawal of the United Kingdom from the Union.
- (5) Annex IB to Regulation (EU) 2022/109 should therefore be amended accordingly.
- (6) The catch limits provided for in Regulation (EU) 2022/109 apply from 1 January 2022. The provisions introduced by this Regulation concerning catch limits should therefore also apply from that date. Such retroactive application does not affect the principles of legal certainty and the protection of legitimate expectations, as the fishing opportunities concerned are increased. For reasons of urgency, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

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<sup>1</sup> Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

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

In Annex IB to Regulation (EU) 2022/109, the fourth table is replaced by the following:

| Species:            | Cod                                                                                                                                                                                                                                              | Zone:     | 1 and 2b                                               |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------------|
|                     | <i>Gadus morhua</i>                                                                                                                                                                                                                              |           | (COD/1/2B.)                                            |
| Germany             | 4 028                                                                                                                                                                                                                                            | (1)(2)    | Analytical TAC                                         |
| Spain               | 9 688                                                                                                                                                                                                                                            | (1)(2)    | Article 3 of Regulation (EC) No 847/96 shall not apply |
| France              | 1 775                                                                                                                                                                                                                                            | (1)(2)    | Article 4 of Regulation (EC) No 847/96 shall not apply |
| Poland              | 1 829                                                                                                                                                                                                                                            | (1)(2)    |                                                        |
| Portugal            | 2 019                                                                                                                                                                                                                                            | (1)(2)    |                                                        |
| Other Member States | 297                                                                                                                                                                                                                                              | (1)(2)(3) |                                                        |
| Union               | 19 636                                                                                                                                                                                                                                           | (1)(2)    |                                                        |
| TAC                 | Not relevant                                                                                                                                                                                                                                     |           |                                                        |
| (1)                 | The allocation of the share of the cod stock available to the Union in the Spitzbergen and Bear Island zone and the associated by-catches of haddock are without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris. |           |                                                        |
| (2)                 | By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod.                                                                                                                |           |                                                        |
| (3)                 | Except Germany, Spain, France, Poland and Portugal. Catches to be counted against this shared quota shall be reported separately (COD/1/2B_AMS).                                                                                                 |           |                                                        |

*Article 2*

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

It shall apply from 1 January 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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